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2. *IMPRISONMENT*

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BY

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WITH A FOREWORD BY THE
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FOREWORD

THE whole question of the objects of punishment and the best methods of attaining them is most important and intensely interesting. It is only in the last hundred years that it has been studied at all scientifically and even now there are many people who have not thought out the matter clearly. There are two principles which have to be kept clearly in mind, the protection of Society and the reform of the individual. The former principle has in the past been often used to justify callousness and even savagery. The second may be misused to back up mere sentimentalism which causes serious confusion in people's minds and injures Society which is not protected from wanton mischief and crime. Obviously, clear thinking is necessary and without knowledge clear thinking is impossible. Colonel Barker has in this book explained the principles which underlie the whole penal system, and the particular applications of them, which experience has so far proved to be useful in India, and has indicated lines of improvement which require further study. The book will therefore be of the utmost value to all serious students of social questions and not least to those devoted workers, of Discharged Prisoners' Aid Societies, who are trying to secure, by their educative methods, the restoration of prisoners to a useful and respectable place in society.

HARRY MADRAS.

August 1929.

PREFACE

This small book owes its inception to the suggestion of certain prominent officials and non-officials of the Madras Presidency and to the request of Lt.-Col. J. P. Cameron, I.M.S., the Inspector-General of Prisons under whom the writer was at that time serving.

There are many books dealing with prisons and prisoners (some highly technical and some highly sensational): but there seems to be a need for a book which will deal with conditions at present obtaining in Indian jails. This book is an attempt to present a non-technical account of Indian jails and of prevailing practice in regard to imprisonment. The writer is solely responsible for the opinions and criticisms expressed and for the suggestions contained as regards ideals in matters of policy and practice; and it must be understood that his views are not the official views of Government. He readily recognizes that limitations of finance and special local considerations operate to prevent the adoption of many measures which the trend of modern thought tends to regard as desirable or which he himself advocates. Nevertheless he hopes that the book may be found of interest to those connected with Jail administration and to the members of that wider general public also who study penology and do social service work.

For much of the information contained in these pages he is indebted to many writers and friends. Among the latter, specially Lt.-Col. Cameron in

India and Mr. Alexander Paterson in England. Recourse has also been had to the latest available Jail Administration Reports.

In the Jail Department, as elsewhere, the good administrator keeps the highest ideals ever before him, and strives, with the means at his disposal, to attain them.

F. A. BARKER.

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CHAPTER I

INTRODUCTION

'Sin is the transgression of the law.' 1 John iii. 4.

The object of this book is not to discuss theories of crime in general or to describe prison routine and methods of reform in detail for the consideration of the expert penologist. Rather is it to endeavour to give some useful information on a subject which has, in the past, been either avoided or made the occasion of sensational and often inaccurate statements.

In the olden days, a man who had committed a crime was thrust into prison and then forgotten. No one enquired, or cared, what happened to him after the gates of the prison had closed upon him. Similarly, no one troubled to think what happened to such a man if he survived his sentence or was released. The less one saw of him the better, and he was shunned like the plague. Any idea of reforming sinners so that they would for the future amend their ways and become honest, law-abiding citizens was entirely absent.

The bad old days are now past, and the conscience of the general public is gradually but steadily being aroused. It is to guide and help this conscience to understand what crime is; to seek out and remedy the *causes* of crime; to understand the *meaning* of prison; to gain an accurate knowledge of the aims and methods of prison administration; to

realise that it is insufficient merely to punish, but that punishment must be supplemented by efforts to reform; to learn the methods of reform at present in use; and, lastly, to interest the public in that vital part of such reform—the welfare of the ex-prisoner, that this book has been written.

It is also written primarily for Indian readers, and, therefore, deals specially with Indian conditions, prisoners and prisons.

But the history of Indian Prison administration is a short one. Records of *crime* in India before the coming of the British to the country may be plentiful, and the methods of punishing crime were often drastic and—to the modern mind—cruel and horrible. Of *prisons*, in the modern sense of the term, there were none, though prisoners were often immured in the old forts and dungeons.

But after the coming of the British, legal codes and prisons were gradually established. As these were based on the laws and methods in use in England at the time, it is better to survey shortly the evolution of penal methods in that country in order thereby to understand how—by adoption of such methods to Indian conditions—the present system has been evolved.

Crime—A Definition

Crime, in its widest sense, is an offence against the law as established at the place and time concerned. Laws, whether merely the customs of uneducated tribes, or the complicated documents of civilized races, forbid such acts as are inimical to the welfare of the society which they control.

This, at any rate, is the intention (whether written or unwritten) of those who framed them, though human reason—and even instinct—may err and thus frame a law which is subsequently found to be unjustified.

Nevertheless, crime may be said to be an offence against the community, and the latter endeavours to prevent crime by punishment, etc. There is, of course, a crime committed either physically or mentally by an individual against *himself*, but such crimes are only taken cognizance of by the community when the latter is adversely affected by it. (As an example, we may cite self-maiming, which is only a crime if thereby a man deliberately renders himself unfit to defend the community in time of need.) Apart from this, crime cannot be committed by a solitary individual; in the absence of a society there can be no crime. As Mercier says,[1] 'Abandon a man to himself in a desert; maroon him on an uninhabited island, and whatever other disadvantages he is subjected to, he is freed from the possibility of committing crime. He cannot steal, or defraud, or murder, or maim; he cannot commit riot, or rape, or treason, or burglary; he cannot beg, or rob, or wreck a train, or pick a pocket. As far as crime is concerned, he is condemned to a blameless life.' 'As long as he is alone on his desert island, he can rightfully appropriate anything he pleases and go where he wills. But the same man, on leaving his island and entering society, finds his freedom limited in every direction, and an act which was perfectly rightful on his island be-

[1] *Crime and Insanity*, Chap. I. Mercier forgot that on a desert island a man might be cruel to an animal, and this is in most countries an offence.

comes a 'crime.' 'The reason of this is, that if every man in a society pursues without restraint his own self-regarding desires, the society falls to pieces, and, as a society, ceases to exist.' It is the instinct of self-preservation, grafted from the original individual on to the community as a body, that has brought this about.

And not only does the man find his freedom limited; he finds he must make still further sacrifices. The welfare of the community necessitates the active assistance of every member of it, or its existence as a community may come to an end. To refuse such assistance may, therefore, constitute a crime.

In a similar way, a community may be represented by a family, to safe-guard which customs and laws have been framed. If an individual acts in a manner contrary to these laws—either of his own or another family—he commits a crime.

It is obvious that, in the process of evolution of individual to family and family to large communities, conditions have changed, and acts which formerly were rightful have become crimes and, vice versa, many acts which were formerly considered serious crimes are so no longer.

An interesting instance of this fact is that in most primitive countries—and even now in parts of the Punjab—cattle-stealing is a very common offence. As civilization advances, motor-car offences take the place of cattle-driving.

The increase of civilization, and the change in habits and thought through the centuries has also played a great part in modifying the laws defining crime and the treatment meted out to the offender. This applies to India as much as to other countries.

Punishment

Punishment had its origin in vengeance and retribution for a wrong done, coupled with the self-defence of the person or community wronged. But as civilization advanced, the idea of vengeance began to take a secondary place, and we find the Latin writer, Seneca,[1] stating that 'In punishment the Law has three aims;—to reform the offender; to make of him an example for the good of society; or to remove him for its greater security.' The third object to be attained, i. e., that of *deterrence*, came to be, with retribution, the aim of punishment.

How these objects of punishment have been subsequently modified and added to will be seen by the following outline of the penal methods of Great Britain.

[1] Seneca (Aet. 3 B.C. to 65 A.D.), De Clementia, Lib. I. 22.

'Transeamus ad alienas, iniurias, in quibus vindicandis haec tria lex secuta est, quae princeps quoque sequi debet. aut ut eum, quem punit, emendet, aut ut poena eius ceteros meliores reddat, aut ut sublatis malis securiores ceteri vivant.'

CHAPTER II

ENGLISH PENAL METHODS AND PRISONS

In early Saxon society, there were roughly two lower classes, the freemen and the serfs. Freemen atoned for their transgressions with fines (often in kind) when possible, and by slavery, mutilation, outlawry or death when they could not pay. Serfs (who were practically slaves) might be flogged or slaughtered. No prisons existed, though prisoners might be thrown into dungeons or some sort of lock-up until their fate was decided upon. Thus, in the reign of Athelstan hands and feet would be amputated, eyes gouged out, or nose, ears and upper lip cut off. Or an offender might be scalped—'so that punishment be inflicted and also the soul preserved.'

William the Norman, (1066 A.D.) enjoined that offenders should not be slain outright, but hacked about, and then (if they lived) allowed at large to be a living warning to others.[1]

By the time Henry II came to the throne the King had become strong enough to levy fines and tribute, and these became an important source of revenue. Prior to his reign, only a few counties possessed any public place of confinement, but in 1166 King Henry commanded the construction of public 'gaols' or prisoners' cages at the Assize of Clarendon. From his time also may be dated the

[1] *A History of Penal Methods*, by George Ives.

principle that 'a crime is no longer regarded as a matter merely between the criminal and those who directly suffered by his crime: it is a wrong against the nation.'[1]

The early prisons, however, were really collecting depots or remand prisons for the safe custody of persons accused, and may be compared (as regards function) with the Under-trial blocks of our modern Indian Jails. This principle was expressly defined by Bracton (who died in 1268) when he wrote that prisons were 'to confine and not to punish.'

The fate of Under-trial prisoners in those days was far from pleasant, as may be surmised from the fact that it was found necessary to pass a law in the thirteenth century forbidding their torture *before conviction*; the law stating that no under-trial 'be placed among vermin and putrefaction, or in any horrible or dangerous place, or in the water, or in the dark.'[2] But as the Assizes were at first very infrequent (in the reign of Henry III judges set forth every *seven years*), it often happened that these Under-trial prisoners died in the gaols of want or disease before ever they came to trial.

While awaiting trial, no provision was made for their maintenance, and they depended on friends and relations to save them from starvation.

If their lot was hard before trial, it became worse when they had been convicted. Punishments were usually of a physical and sanguinary character; mutilation continued up to the reign of Henry III, and treason meant breaking on the wheel, while

[1] Maitland, *Constitutional History*, p. 109. Ed. 1898.
[2] Ives, *History of Penal Methods*. p. 11.

stealing from a house was punished with loss of eyes and other mutilation.

Sentence of imprisonment and fine began to appear about the time of the reign of Edward I, and such fines were the perquisites of the Crown. The subordinate officials undoubtedly also had their share of such fines.

As time went on things unfortunately did not improve, and many perished of hunger, disease and even torture in prison.

Torture (the rack) developed after 1468, under the Tudors; in 1530 an Act was passed authorising prisoners to be boiled alive. Heretics were burned at the stake, and the same punishment was meted out for high treason or for the murder of a husband by the wife. (This burning remained legal till 1790).

Hangings were very common. For lesser offences such as libel or sheep-stealing hands were cut off, while perjuries and vagrancy were branded. Misdemeanants were punished by stocks or pillory, fine or whipping.

We have seen then that up to the beginning of the sixteenth century, apprehended persons were placed in a 'cage,' 'watch-house' or temporary 'lock-up,' and these were under the order of the parochial or manorial authorities.[1] Once brought before a Justice of the Peace, the accused had to be either discharged or committed to some lawful place of detention. These places were the only common gaols.

We may date the inception of prisons proper for criminals as about 1552 when the authorities of

[1] Webb, *English Prisons under Local Government.*

the City of London took over a former palace (given up by Edward VI) at *Bridewell* near Blackfriars and used it to lock up, employ and whip beggars, prostitutes and night walkers of all sorts.[1] Later, similar places of detention were started, and were known as 'Bridewells,' after the name of the original one.

These were followed, in 1597, by 'Houses of Correction,' and in 1609 it was ordered that such should be erected in every country.[2]

Both of these became, in practice, one with the 'Common gaols,' of which there were about 200 scattered over the country. These latter were owned and maintained by many diverse authorities. The Country Sheriffs were responsible for the county gaols only; bishops, manorial lords and others owned the remainder, and managed them as income-yielding properties.[3] As has already been pointed out, punishment in those days only rarely included imprisonment, and, therefore, the common gaols were almost entirely used as places of detention before trial.

'Common gaols,' 'Bridewells' and 'Houses of Correction' continued to be the only forms of prison in the country until the advent of the notorious 'Hulks' in 1778. However in order to realise how

[1] Besant, *Tudors*, p. 387.

[2] NOTE: 'Houses of Correction' were, legally, under the administration of the Justice of the Peace, and were established not for the punishment of criminals but as places where those 'wantonly idle or disorderly might be compulsorily set to work, partly in order to produce their keep, partly with a view to their reformation of character, and partly with the intention of thereby deterring others from idleness and disorder.' They thus resembled closely in principle the Institutes existing at the present day in Switzerland and Belgium.

[3] See Howard, *State of the Prison*, Second Edition, 1780, p. 203.

times and conditions have changed, it is necessary to give a brief description of their administration.

Although 'Common jails,' 'Bridewells' and 'Houses of Correction' were theoretically under the control of a legal, ecclesiastical or lay dignitary, yet, in practice, they soon fell entirely into the hands of the gaolers, who administered them as profit-making concerns. Only rarely was any salary attached to the office; up to 1730 in fact, the post was even put up for sale. The gaoler lived by the fees he extracted from the prisoners, who had to pay for everything from admission to discharge. Even if a prisoner was acquitted, he could not leave the prison until he had paid not only all the fees already due but also a special fee for his discharge. In addition to the gaoler, the turn-key (warder) had also to be paid his share. These fees were legally sanctioned, but unlimited illegal extortions were rendered possible by the uncontrolled power possessed by the gaoler, who catered for the prisoners' necessities and little luxuries at an exorbitant profit.

One of the most profitable sources of revenue to the gaoler was the prison 'bar' for the sale of alcoholic drinks, while in prisons where women were confined as well as men, the turn-key would add to his revenue by arranging opportunities for prostitution.

Food

Though an allowance existed for food for convicted felons, no food was supplied for other classes of prisoners or under-trials. Unless friends or relations provided the necessities of life, such prisoners had to maintain themselves by work or by begging. Howard tells us how 'outside the Wilts

County Gaol might be seen in 1779 two men fastened at either end of a chain running through a staple fixed in the wall. Padlocked by the leg, they stood all day, offering to those who pass by nets, laces, purses, etc., made in the gaol . . . . At Christmas, felons chained together are permitted to go about, one of them carrying a sack or basket for food, another a box for money.'

Labour

Though an allowance also existed in theory for the provision of materials for work in gaols, and though the original principle of 'Bridewells' and 'Houses of Correction' was to make the inmates work, yet there was little or no opportunity actually provided for productive labour. Even as late as 1818, 'it was found that, of the 518 prisons in the United Kingdom, in 445 there was no employment, and that in the remaining 73 it was of the slightest possible description.' [1]

Sanitation

One of the worst features of the prisons of those days was the utter lack of sanitation and of medical care for the inmates. They appear to have been cleaned very seldom, if ever, and in many prisons there was an entire absence of latrines. The terrible filth and stench may, therefore, be imagined. Coupled with these was the prevalence of insect pests—bugs, lice, etc. Comparatively recently, medical research has shown lice to be the vecters of Typhus-fever, but in the eighteenth century, this was

[1] Ives, p. 21.

not even suspected, and so the gaols were at times decimated by epidemics of this fell disease. So widely was this recognized that this form of disease was known as 'Gaol-fever.'[1]

Much of our knowledge about the prisons of that century is obtained from the labours and writings of that great prison reformer, John Howard (1726–1780). He tells us that in 1773–4 more people died from the 'Gaol-fever' than were executed in the Kingdom. And yet the number of capital offences, and consequent executions, was enormous. Capital offences rose to over 200, and included many which would now be considered almost venial. As an instance, the *Times* of 18th January 1801 records how a boy of thirteen who (with others) had broken into a house and carried off a spoon, was sentenced to death.[2]

Witchcraft and Its Punishment

Before proceeding with the outline of English prisons, a word may be said regarding the penal methods employed for witches. Witchcraft was a profession which sometimes carried with it considerable power and profit, and it cannot be doubted that in many cases quacks and villains traded on the superstitions and gullibility of the populace for purposes of extortion and blackmail. There were also, of course, those who really believed they were gifted with 'second sight,' and others who used their

[1] Even to this day the Judge at the Old Bailey has a bowl of herbs in front of him. This custom was originally started to protect the Judge from contracting 'Gaol fever' from the occupants of the dock.

[2] For further details, see Webb, *English Prisons*, Ch. II, pp. 19–20.

natural talents of observation and deduction in judging character or foretelling the future.

The strong feeling that gradually arose against witches was due partly to fear of the supernatural, and partly to hatred for, and desire for vengeance against, those who by their words and acts had caused harm to individuals or their friends and relations. The feeling was unhappily also fanned by vindictive persons, who accused those they wished to get rid of as being witches, in spite of the fact that they were probably quite as normal as their accusers.

The treatment meted out to these witches grew in severity in accordance with the general feeling of the populace: at first, the stocks or a public ducking in pond or river were sufficient punishments, but in the sixteenth and seventeenth centuries, it was customary to put them to death—usually by burning. This practice was also in force on the continent of Europe, so much so that it is estimated that during those two centuries the witch death-roll for Europe reached 200,000 people. [1] A letter written in 1647 says 'Within the compass of two years, near upon 300 witches were arraigned, and the greater part executed, in Essex and Suffolk only,' and 'Gray claims that during the Long Parliament 500 witches were executed each year.' [2]

Those days are past and done with. But there are in our days just as many abnormal and eccentric people as there were then. In the past, disease and abnormality were mistaken for possession by devils, and scientific knowledge in any way in advance of the times for magic; we, however, now treat the

[1] *Ives*, p. 74. [2] *Ibid.*

mentally deranged more kindly and are no longer afraid of the supernatural. In fact, people who, by their eccentricities or spiritualistic seances would in the past have infallibly been put to death are now popular, and sought after by the rich and educated! This is only one out of many instances of the way in which penal methods have changed with the passing of time.

Banishment and Penal Servitude

It is necessary to refer also to banishment as a penal method (*a*) because it indirectly affected the prisons in England, and (*b*) because transportation and penal servitude have been a part of the penal system in India.

Banishment from the Realm was a feature of punishment in England long before the sixteenth century, but in 1597 a measure was passed, definitely sanctioning transportation.

One of the first places to which convicts were transported was Virginia in America, and such convicts were handed over to the Virginia Company, founded in 1606 by James I.

From 1618 onwards this became a regular practice, though the West India Islands were substituted for Virginia in 1671, owing to a mutiny.

This method of disposing of convicts was encouraged by other young colonies (such as Barbadoes and Jamaica), who were in great need of labour. So much was this the case that *free* persons were often kidnapped and sent thither. Ives[1] tells us that 'in the year 1690 Governor Howard

[1] *History of Penal Methods.*

directed that every servant should receive a patent of 50 acres in fee on attaining his freedom. So that a man or a woman had a real chance to retrieve past faults or misfortunes and was not merely cast forth to attempt the (almost) impossible. And in consequence many did well, and out of the 50,000 or more who had been sentenced to transportation, some rose to attain high honour and position.

The American Declaration of Independence in 1776 put a stop to transportation there, and, in consequence, the prisons in England soon became overcrowded. Various methods of dealing with this overcrowding were tried, and amongst these were the 'Hulks' already referred to. These were old ships, which were moored off-shore in the Thames estuary and elsewhere and used as prisons. Their insanitary condition generally, the cruelty with which the convicts confined therein were treated, and the bad food with which they were supplied became so notorious that they were finally given up, but not until 1857 after an existence of nearly eighty years.

These 'Hulks' were insufficient to cater for the increasing number of convicts, so it was early decided to select a fresh place for transportation. Australia was chosen, and in 1787 the first fleet set out for what is now Sydney harbour. The story of transportation to Australia would fill a book in itself. Suffice it to say, that convicts continued to be sent to one or other part of Australia until 1867, and about 13,800 were so transported during the whole period. The great blot on the administration of these transported convicts was the severity with which they were punished, especially in later years and in the Penal Settlements such as Van Diemen's

Land and Norfolk Island. As Ives says, however, 'We need not blame transportation for the fell deeds which prison officials did far away from freedom. There was much that was good and healthy in transportation; but the guilt and stain round the rocks of those dreadful prisons will hang and linger in the memory of mankind till the ocean of time . . . engulfs them, and sweeps them, and us, away.'[1]

Many a man 'made good' in that new country; a Lifer could earn his ticket o' leave after eight years, and send for his wife and family. Able men filled places in the learned professions; some became doctors or schoolmasters, and many were really reclaimed through the new life which transportation afforded them. They even attained positions as Magistrates, and it is an interesting fact that the post of Lord Chief Justice of Sydney has been held by the descendant of a convict.

Advent of Cellular Prisons

The advent of the cellular type of prison was largely due to the labours of the prison reformer, John Howard. Born just over two hundred years ago (1726), he became Sheriff of his country of Bedfordshire in 1773, and at his first Assize was aghast to find that under-trial prisoners who had been acquitted by him were unable to leave the gaol until they had paid dues demanded by the jailor and turn-key. This led him to enquire into the prison system generally, and he found in it so many irregularities and abuses that he devoted the remaining sixteen years of his life (1775-1791) to exposing and endeavouring to remedy them.

[1] See also Webb, *English Prisons*, p. 180 footnote.

Romilly (1757–1818) and Elizabeth Fry (1780–1845) were others of a small but zealous band of reformers, who at length compelled public opinion to look into the state of the prisons.

Their appalling condition was due, not so much to culpable neglect on the part of the Sheriffs and Justices as to the fact that their administration was entirely in the hands of 'low-bred, mercenary and oppressive' gaolers who in most cases received no salary and whose first concern, therefore, was to avoid incurring any expense and to extract as much profit as they could from the inmates. To Howard 'it seemed obvious that the root of all the evils of prison management was the fact that it was allowed to be a profit-making business.'[1]

Howard's recommendations to Parliament were based on four cardinal principles, and as these became the foundation stone of future reforms, it is well to state them. They were:

(1) The provision of structurally secure, roomy and sanitary prisons.

(2) The transformation of the gaoler from an independent profit-maker into a salaried public servant.

(3) The subjection of all prisoners to a reformatory regimen of diet, work and religious exercises.

(4) The systematic inspection of every part of the prison by some outside prison authority.[1]

His first recommendation was greatly emphasized by the already mentioned increase in convicts due to

[1] Webb, p. 34, Ch. III.

the sudden cessation of transportation to America. The Government tried to make temporary accommodation for them by allowing local gaols and 'Houses of Correction' to accommodate them, but this only spread the overcrowding throughout the kingdom. County authorities were forced to act, and, by 1789, forty-two new gaols had been started. All these gaols were built, more or less, on the principle (recommended by Howard) of separate cell accommodation.

For a time, the War with France (1791–1810) absorbed all the energies of Government, but in 1815 a measure was at last passed doing away with all prison fees.

A further advance was made in 1823 when an Act was passed 'for consolidating and amending the laws relating to the building and regulating of certain Gaols and 'Houses of Correction' in England and Wales.' This Act, in addition to adopting Howard's four principles, provided for the appointment of chaplains and surgeons to gaols, and for matrons and women warders to look after female prisoners. It also made elaborate provisions for education and religious instruction.

Unfortunately, this Act was applied only to 130 county prisons, and left many of the very worst untouched.

It was not found an easy matter to apply this new Act, owing to the varying principles involved (Safe-custody, Maintenance of good health, Deterrence, Reform, and Economy), and prison reformers held widely diverging views. For a time the profitable employment of prisoners was the factor of prime importance, and many prisons thus became regular

factories, earning a profit which defrayed a large part of the cost of maintenance. This had its good points, in that a prisoner was taught a trade and was able to earn money to tide him over for a time after his release; but it soon began to be abused.

The strong and skilled, however bad their character, were able to earn more, and have a better time, than the ignorant and weak, while the necessity of making the industries profitable led to the association in large workshops of prisoners of all ages, length of sentence and degree of criminality.

Meanwhile, Howard's principle of complete separation had been given up, partly owing to the great cost of building cellular prisons and partly owing to the above-mentioned need of associating prisoners if industries were to be profitable.

A strong section of prison reformers, however, proved the demoralising character of this association so clearly that an attempt was made to lessen the ill-effects by 'classifying' the prisoners. But as the classification was made merely according to the kind of offence and without any consideration of the real character of each individual, the improvement effected was only slight.

At the same time many people began to inveigh against the gaols (1) as being more comfortable residences than places of deterrence, and (2) as competing unfairly with free labour in various manufactures. This section strongly advocated dull, hard and unremunerative work for all prisoners.

Presently, public opinion began to be interested in the new systems, started in America, of 'Separate'

and 'Silent Association' imprisonment.[1] Though financial considerations rendered *complete separation in cells* an impossibility, it was thought that an almost equally good result in preventing intercourse might be obtained by enforcing *silence*, and so, in 1834, the *Silent System* was started. The Silent System, of course, rendered organized factories impossible, quite apart from the revulsion of feeling against them, and so some new form of hard, unremitting toil had to be devised. The result was the *Tread-wheels* (a form of labour which had already been suggested in the Act of 1779, but which was devised in 1818 by Sir William Cubitt). This was a large wheel, on the inner circumference of which were a series of steps. By walking up these steps within the wheel, the latter was made to revolve. Some Tread-wheels were driven by one man only, but it became the more usual practice to employ eight to ten men in association inside one wheel. Such wheels were sometimes made to grind corn or draw water, but many performed no useful function whatever.

Originally designed as a form of labour, they soon became a means of meting out punishment—even torture—as the daily task might be varied from 5000 to 14,000 feet (Ives).

'The Tread-wheel was vehemently attacked by humanitarians, as being not only cruel but also of no reformatory value; it was strongly defended by Justices as at once cheap, easy of application and

[1] In 1822, Crawford was sent to America to report on her prison systems, and as a result recommended the adoption of the buildings and methods in use at the 'Eastern Penitentiary', a 'solitary' prison as opposed to the 'Silent Associated'. This was approved by a Bill (1839) and *Penton Ville* (finished 1842) was the result. (Ives).

potent as a deterrent. It was certainly cheap, easy and deterrent; it is equally certain that (as used) it was injurious to health, physically depressing, personally degrading, and unproductive of mental initiative or emotional regeneration.'[1]

The years 1823–1835 were a time of administrative chaos in prison administration. Prison regulations were multiplied, and punishments for the breach of them were numerous and varied. Amongst the latter, dark cells, starvation diet and floggings were popular additions to increased tasks on the Treadmill. Floggings indeed reached an alarming total, and were very severe—one hundred lashes being by no means uncommon, while a flogging of 300 lashes is recorded at Millbank. It was stated in Parliament that 6959 floggings were administered in English prisons in 1822.[2]

With this there was no uniformity in treatment; in some gaols, prisoners were semi-starved; in others over-fed, and even allowed beer and tobacco.

If these conditions were true of the one hundred and thirty prisons regulated under the Act of 1823, they applied still more to the many others, under municipal and other authorities, in the country.

It became clear, therefore, that what was urgently required was uniformity of treatment in, and a central control over, prisons. It was futile to pass elaborate Acts of Parliament if there was no machinery for enforcing their compliance by the multitude of local prison authorities. In 1835, therefore, an

[1] Webb, p. 99.

[2] H. G. Bennet, M.P., quoted in *Hansard*, July 7, 1823.

By way of contrast it is interesting to note that the total number of floggings in English prisons one hundred years later (1922) was seven only.

Act was passed 'for effecting greater uniformity of practice in the government of the several prisons in England and Wales, and for appointing inspectors of prisons in Great Britain.'

This period of Central Inspection and Control lasted from 1835 until, in 1878, the prison service became completely nationalised.

During these forty years a continuous controversy went on regarding the principles of prison administration. One of the chief subjects of discussion was *cellular isolation.* Howard had already recommended a separate sleeping cell for every prisoner, but now prison administrators went further and advocated cellular isolation for the whole twenty-four hours of the day. 'The determined adoption by the Home Office officials, from 1835 onwards. . . . of this combination of physical and mental isolation of each prisoners is, perhaps, the most momentous decision in English prison history' (Webb, Ch. ix.).

The Separate System was officially accepted as 'the foundation of prison discipline,' and in 1865 an Act was passed definitely requiring that every prison should contain cells for separate confinement, equal in number to the highest average of prisoners housed in it.

Many local prisons were unwilling, or financially unable, to comply with the new regulations and were in consequence closed down. By 1877, therefore, eighty out of the one hundred and ninety-three prisons existing in 1865 were entirely discontinued.

Another subject of controversy was the *dietary,* about which there was great diversity of opinion. Forty years of experiment left this question as undecided as ever.

Equally diverse were the opinions about the most suitable forms of *labour* for prisoners; in some prisons, labour was sternly punitive and unproductive, such as the Tread-wheel and the Crank; while Wakefield prison specialized in industrial training, and Dorchester tried to make itself self-supporting by the use of all kinds of simple industry.

It was during this period that the severity and cruelty meted out in certain prisons (notably Birmingham) by means of the Tread-wheel and Crank aroused a storm of criticism. A classical account of these conditions may still be read in Charles Reade's *It's never too late to mend.*

Nevertheless, owing to a sudden increase in robberies with violence in London, Government hardened its heart and in 1863 voted strongly in favour of both Tread-wheel and Crank, stating that these, together with shot-drill, were the only forms of labour which could be called 'hard.' This view was opposed by the inspectors of prisons without avail.

In 1865, an Act was passed, not only greatly increasing the rigour of imprisonment but making it applicable to all prisoners. Nevertheless, the local authorities still maintained their autonomy—chiefly shown in the great variety of labour imposed. Parliament, therefore, to put an end once and for all to this lack of uniformity, passed the Prisons Act of 1877. This Act 'effected a revolution almost unique in the history of English Local Government. A great administrative service . . . was transferred *en bloc* to a department of the National Government.' By it 'the ownership of all the local prisons was vested in the Secretary of State, and their general

superintendence was committed to a body of Commissioners, to be appointed by the Home Secretary, to assist him in the work; to act under his instructions and to be responsible to him for the whole administration.'[1]

The transfer was actually effected in the year following, when 21,030 local prisoners (the maximum number ever reached in local prisons) were handed over to the care of the Secretary of State and his Prison Commissioners.

A further reduction in prisons was made—thirty-eight of the existing one hundred and thirteen being instantly closed. (By 1894 a further reduction to fifty-six had been effected.)

The 'Du Cane Regime'

The eighteen years (1877–1895) are often described as the 'Du Cane Régime,' after Sir Edmund Du Cane, who throughout this period was the Chairman of the Prison Commissioners and whose opinions were the prime factors in the prison policy.

The first object of the Commissioners was administrative efficiency and economy, and they thought that the first condition of this was uniformity. To attain this, they inaugurated detailed accountancy, suitable dietaries, more scientific penal labour, and a new and elaborate code of prison rules. Prison staffs were calculated on a uniform a scale and their duties carefully prescribed.

Their second object was a 'rigorous uniformity of severity,' and the opportunity was taken to put an

[1] Webb, Ch. xii.

end to the various profit-making enterprises of the local prisons.

But this desire for uniformity was carried too far—to the exclusion of all differences between the prisoners themselves. Practically no attention was paid to the problem of *female* prisoners, who, at that time, were being admitted at the rate of nearly 1,000 a week! No heed was paid to the *feeble-minded*, and 'there was a total neglect to consider how best to treat the youthful criminal, boy or girl, whether convicted for the first time, or recidivist.'[1] The treatment of all youthful offenders was the same as that of adults.

In spite of the fact that Du Cane admitted [2] that cellular labour was decidedly brutalizing in its effects, and to men of any intelligence irritating, depressing and debasing to their mental faculties, yet its continuance was advocated; the Commissioners hoping by various precautions and regulations 'to prevent the evil consequences that had admittedly happened in the diversely administered prisons of 1821–77' (Webb).

To mitigate the severity of the régime for long-termers, a system of Progressive Stages was devised, whereby it was proposed to offer small alleviations to the prisoners as an encouragement to, and reward for, good conduct. But as their principles would allow neither any increase in diet nor reduction of work, the Commissioners found themselves obliged to *add* rigours to the First Stage, so that they could remit them, as alleviations, in the Second!

Although this policy had a good effect on the

[1] Webb. Ch. xii. [2] *Punishment and Prevention of Crime*, 1885, p. 175.

discipline in convict prisons, where long-termers were confined, the net result was that these added severities fell on all, for the benefit of the few. For none of the alleviations could be earned under three months, and yet only about six per cent men and two per cent women received sentences of over three months.

The 'Du Cane régime' appeared at first sight to be an unqualified success. Prisons were spotlessly clean and sanitary; health was better; suicides fewer; no scandals reported; and the average prison population steadily decreasing.

Nevertheless, public opinion again became uneasy about the state of the prisons. It was noted that ex-prisoners were physically weakened and had lost weight; their mental condition also had so seriously deteriorated that they were unfit to earn an honest livelihood. The death-rate from tuberculosis in prisons was unduly high, while recidivism, far from decreasing, was actually on the increase. Government was at last (1894) prevailed upon to allow an enquiry, the result of which has been described as 'a beneficent revolution.' As Sir Evelyn Ruggles-Brise, Du Cane's successor, points out, 'The public enquiry of 1894 .... was a practical condemnation of the separate or cellular system except for short periods .... It held that association for industrial labour under proper conditions could be productive of no harm,' the trade unions only urging 'that direct competition with outside labour should not be allowed at cutting prices.'[1]

Most of the recommendations made were embodied in the Act of 1899; by which the Tread-wheel

[1] *English Prison System*, 1921, p. 137.

and Crank were abolished, the mark system for remission established, work in association extended to all inmates of local prisons, dietaries made more generous and varied, labour made more intellectual and productive,[1] and the segregation of the weak-minded in special prisons commenced.

Later results of the recommendations were a more liberal endowment of voluntary agencies for the after-care of ex-prisoners, and a series of legislative Acts designed to keep out of prison several classes of offenders for whom a prison régime was unsuited.

The Act of 1899 may, therefore, be considered to be the beginning of the new era, in which the causes and means of prevention of crime have come to the fore in the minds of Government and the general public, while in prison methods the ideals of humanity and reformation have superseded in importance the older principles of retribution, severity and deterrence.

[1] 'Practically the whole prison population became engaged in the direct provision of what was required by the Government itself.' Webb, p. 226.

CHAPTER III

THE ENGLISH PRISON SYSTEM TO-DAY

In the preceding chapters, we have endeavoured to trace the evolution of penal methods and prisons from the earliest days up to the great reformation of 1895.

The progress of this reformation was advanced by a series of Acts, beginning with that of 1899, already referred to. Such Acts were:

The *Probation Act* of 1907 which enabled magistrates in suitable cases to release on probation persons who would otherwise have been sent to prison.

The *Prevention of Crime Act* of 1908 authorized the commencement of Borstal Institutions for a certain class of juvenile-adults, in lieu of confining them in ordinary prisons. It also empowered a system of 'Preventive Detention' for professional adult criminals.

The *Mental Deficiency Act* of 1913 for the first time dealt seriously and scientifically with the problem of the mentally deficient, and relieved prisons of a class of inmates who were a constant source of trouble and for whom a prison regimen was obviously unsuited.

The *Criminal Justice Administration Act* of 1914 greatly reduced the prison population by allowing time for the payment of fines.

By means of these Acts and other measures much progress has been made. 'So far as can be seen at present,' says a writer, 'the most practical and the most hopeful of "prison reforms" is to keep people out of prison altogether,' and in this respect considerable success appears to have been attained, for committals to prison have fallen from 197,941 in 1904–5 to 56,028 in 1927.

Similarly, the daily average population has for the last five years shown a steady decline. In their report (published 1927), the Prison Commissioners state, 'Probation, allowance of time in which to pay fines, and the operation of the Mental Deficiency Act, were, as for some years past, the chief factors in the decline; while the increased efficiency of the agencies for the assistance of all classes of prisoners on their discharge, combined with the training given to as many as possible during their imprisonment, also contributed in a perceptible degree.'

The advantage to a State of such a reduction (assuming it to be not due to coincident inefficiency in the detection of criminals) is incalculable. It has enabled twenty-five more prisons to be closed altogether since 1914, ten being closed since 1922; the total cost of maintenance has been greatly reduced, while every man or woman kept out of prison is a potential wage-earner for the State, and is incidentally saved from the danger of mental and moral deterioration which imprisonment is, in some cases, bound to cause.

These arguments apply not only to England; they have equal force in India, and our legislators should realise the importance of pressing on with such acts as the Children Act, the Borstal Act, and

the Probation of Offenders Act in all Presidencies and Provinces.

In 1922; and again in 1927, the writer took the opportunity to visit most of the principal prisons in England and Scotland. While it would take far too long to describe in detail the varying prisons visited, it may be of interest to mention some of the features of the present system.

1. Buildings and Intramural Spaces

English prisons still suffer from the baleful influence of the days when Pentonville became the model for Europe to copy, and also from the fact that many of them have been built in the heart of busy cities. Financial considerations still make it necessary to use these old buildings as prisons, but attempts are being made to lessen their gloomy character.

One of the most noticeable features of this change of attitude is the great increase in flowers in all prisons. It has long been recognised in Indian Jails that beds of flowers, and flowering trees and shrubs, have a good influence on the mentality of the prisoners, and this is at last being realised as regards English prisoners.

One of the prisons in the Isle of Wight (Camp Hill) has an extensive nursery garden, and from this prison flower and vegetable seeds are being distributed to all the other prisons. In certain special prisons (e.g., Wakefield and the Borstal Institutions) the higher grade prisoners are allowed to have their own little garden allotment, and are encouraged to grow flowers and vegetables therein. Such prisoners

may have the flowers in their own cells, and the vegetables are taken over by the prison.

Another method of brightening the prison and of providing the inmates with something to think about other than their own grievances is to adorn the walls of corridors, class-rooms, etc. with good pictures. Similarly, photographs in limited number are allowed in individual cells.

2. Education

This has made great advances in recent years. Government has provided a small staff and grants of money, but the bulk of this work is done voluntarily, by outside agencies. In this way, prisoners are taught elementary school subjects, languages, science, various handicrafts, etc. At Wakefield, Sanskrit was being studied by one prisoner in his spare time, and several were learning French or Spanish. At other prisons were inmates who favoured astronomy, engineering and 'Wireless.' At Maidstone the educational work is carried on by fifteen outside teachers; all busy men, all voluntary workers and yet none wealthy. These teach agriculture, book-keeping, English, French, Spanish, literature, short-hand, sign-writing and First Aid. The local Dramatic Society also gives dramatic readings in the prison.

Music, too, has an elevating effect on the minds and characters of the prisoners, and many Governors arrange for occasional concerts by outside performers. It is noteworthy that *good* music is the most appreciated. At Parkhurst, Convict Prison, an old prison officer said, 'nearly all of them (i.e., the convicts) are fond of flowers, music, children and

dogs;' for such there is no need to give up hope, and it was a striking sight to see their faces light up with pleasure and keenness as they joined in 'making a cheerful noise' either with their band instruments or in 'community singing.'

There are convicts now in prison whose lives have been transformed—after years of mutinous conduct—by being allowed to join in the prison band.

3. Trust and Self-respect

The old days, when every effort was made—by severe discipline and deterrence—to produce a 'good' convict, i.e., one who was cowed into strict obedience to jail rules, have gone. Instead, prisoners are taught the meaning of trust; and the growth of their self-respect is stimulated with a view to the building up of their character. The old 'broad-arrow' clothing, and the closely-cropped hair are no longer seen. The prison garb is a rough but well-made suit similar to many to be seen outside: the cut of the hair shows the fashions prevailing amongst the general public. The Law of Silence has gone to join the Mask in the limbo of the past.

Similarly, by gradual privileges and lessening of supervision, prisoners are more and more put 'on their honour.' The authorities show that they will trust them, and this trust is usually not abused.

Although the English Prison Commissioners will not adopt the Indian Jails' system of 'convict officials,' yet they *do* in many respects carry out the same principle in having grades called 'Honour men,' 'Special grades,' etc., who are permitted to work in, and go about, the prison unguarded. Even

closer to the Indian system are the 'Blues', 'Leaders' or 'Strokes', who are responsible for the work and conduct of the group of prisoners with whom they work and live. The 'Strokes' are a feature of Wakefield Prison, and each Stroke has a 'Crew' under him. He acts as a monitor or prefect. Though he has no disciplinary powers, he is expected to use his personal influence to induce lazy or unruly fellow-prisoners to mend their ways.

4. 'Reform' or 'Training'

The expressions 'Reformation' and 'Reformatories' have in the minds of many come to signify 'sloppy sentimentalism'. Though this is in no way true, prison administrators now prefer to describe the reformatory treatment carried out in prisons under the term 'training'. This expression implies training of mind, soul and body. No real training is easy, whether it be intellectual or physical or the learning of an industry. It means hard work and self-discipline; a curbing of any desires that may be in conflict with the desired aim and a determination to do everything that may be necessary to attain it.

This is the principle followed in the various Borstal Institutions and Prison Training Centres in England. The discipline may differ in character, but is no less strict than in ordinary prisons; the physical labour is even harder, and the education more intensive.

For prisoners of sixteen to twenty-one years, there are several Institutions, each differing somewhat in the character of its inmates.

At *Wandsworth* there are collected three different sets of lads between sixteen and twenty-one:

(*a*) All lads who have been sentenced to a term of Borstal Training from all over the country. They are here examined and classified in order that they may be sent to the appropriate institution;

(*b*) All lads of the same age who are on remand or committed for trial from courts in the London area;

(*c*) All lads of the same age who have been sentenced to a term of imprisonment at some court in the London area for less than three months.

To *Feltham* are sent lads who have only committed one offence or who have at any rate not gone far in the criminal direction.

To *Borstal* are sent the more serious offenders who are fit for the full training.

To *Portland* are sent the 'hard cases', lads of the rougher and ill-disciplined type, and reconvicted 'Borstal' lads.

Should any of the above prove unsatisfactory in their conduct, or should any of them, after provisional release, have their licenses removed, they are sent to *Wormwood Scrubs*.

Lastly, girls of sixteen to twenty-one are sent to the Borstal Institution at *Aylesbury*.

For adult prisoners, there are also two special Training Centres;

At *Wormwood Scrubs* are collected 500 short-term prisoners from the London area, none of whom have been in prison before. This

corresponds with the 'casual' Jails of India. It is, in fact, almost a 'Star Jail'.

At *Wakefield* are collected about 250 prisoners, none of whom have sentences of less than six months.

The idea of these two special prisons for adults is to give them special treatment. As those at Wormwood Scrubs are all First Offenders, short and modified Borstal treatment is given them. At Wakefield, an attempt is made to carry out a real scheme of training by eliminating the short-sentence men and limiting the prison to men with longer sentences. Each prison has its own drawbacks: the work at Wormwood Scrubs is hampered by the large number of men with very short sentences, for whom little or nothing can be done; at Wakefield, men convicted for the first time, and men with previous convictions have to be received alike, and the presence of recidivist prisoners, who are neither to be treated nor trained to the same extent as men of better character, hampers the system.

Nevertheless, the separation of classes in different prisons is on the right lines and will no doubt be improved if, or when, financial and administrative conditions permit.

5. **Camps, etc.**

For the last two or three years, each male Borstal Institution has held a Camp for four weeks in the summer. This is usually situated on the sea-shore, and to it are sent for a week at a time parties of about thirty-five lads, selected from those who

have reached the highest grades. Their life, while in camp, is quite strenuous: they work on a farm, go on route-marches, bathe, play games, attend lectures, and so on. They live under canvas, and no boundary wall or fence prevents their escape. But they are on their honour, and are trusted to 'play the game'.

These camps have been remarkably successful and are a most useful form of training, provided that the right type of officer can be found to be in charge.

It has only been tried once in the Indian Empire, when the English Prison Commissioner, Mr. A. Paterson, took a party of young Burman prisoners into camp in 1926. The success of this experiment warrants further trials.

A similar experiment has also been successfully tried with the convicts at Maidstone Prison, though not to a sea-side camp. These long-term convicts are employed at Maidstone mainly in intra-mural factories, and it was felt that a change of scene and work would benefit them physically and mentally. So for the last three years, a party of about forty has been sent annually to Camp Hill, in the Isle of Wight, for a month. Certain Star convicts also, who occupy that part of Maidstone prison known as Howard House, are sent to the Borstal Institution, Rochester, for a month for a similar change of scene. The results have been excellent.

6. Voluntary Help

One other feature must be mentioned, and that is the great help voluntarily given to the Prison Commissioners by the general public.

This assistance is under two main heads.

(*a*) the work of prison visitors, teachers and instructors within the prisons;

(*b*) aid to discharged prisoners.

In addition to all the people who are concerned in helping prisoners on discharge, there are no less than 1,063 men and women who attend the prisons every week as visitors or voluntary teachers.

Without such assistance, it would be impossible to carry on the educational work in prisons, nor to deal individually with the welfare of each prisoner and his family; nor to secure that every discharged prisoner who requires assistance shall receive it. In this respect, England is ahead of any other country in the world, and all honour to the thousands of men and women who quietly and unostentatiously carry on this philanthropic work.

Such are some of the chief features of the English Prison System as it exists to-day. The administration is humane and progressive. Though it realises, and guards against, the danger of allowing mere sentiment to carry undue weight, and maintains strict discipline throughout the prisons, it has given up the policy of severity and deterrence and is concentrating on measures designed to make prisoners honest and law-abiding citizens after release.

The policy of deterrence has failed again and again; there is every sign that the new policy is proving a success.

In India and Burma, the Jail Department and the public generally have much which they can learn from a study of English Prisons. Some parts of the Indian Empire are more progressive than others, and with regard to Jails the Madras Presidency at

present leads the way. But no Presidency or Province must rest content with what it has done. The Jail Officers and the public each have their part to play, and as long as the world progresses, they must not stand still. There is no place for stagnation; if we do not grow, we shall decay.

NOTE: For those who desire to make a study of the English prison system as it exists to-day there has been started an Imperial Course of Study for Prison Authorities. Two such courses have so far been held, in the summers of 1927 and 1928, and it is likely to become an annual feature. The Course lasts for a fortnight, and is held partly in London and partly in the provinces. Applications to join this Course should be submitted, through the usual channels, to the Home Office, Whitehall, London.

CHAPTER IV

CERTAIN FEATURES OF PRISONS IN EUROPE

1. Solitary Confinement

One of the first things that strikes an observer, on visiting Continental Prisons after those in England, is that the policy of Solitary Confinement, which has been almost entirely given up in England, is still in force over the rest of Europe.

In Belgium, a murderer will spend his first ten years in a cell; the Italian seven, the Dutchman five and the German three. During this period, even at chapel and in school, he is hidden from the view of his fellows, and should he run the risk of meeting another convict on the rare occasions when he leaves his cell he may have to don a mask.

Solitary Confinement was given up in England as liable to bring on insanity and as being deleterious to the health, both moral and physical, of the prisoner. But in Continental Prisons, it does not appear to have this effect, and barely as many pass on to an asylum as now in England.

A long period of Solitary Confinement is, in fact considered by many Continental thinkers to be a better weapon for the reformation of the criminal than Association. They base their opinion on the following grounds:

(*a*) 'Solitary Confinement is safer and easier to manage and cheaper to run.'

It is safer because there can be no fear of concert-

ed and combined assaults and escapes. It is easier because each man can be dealt with as a separate entity, and there is no need to study mass psychology or to acquire corporate goodwill in obeying rules. These arguments apply still more if we compare continental prisons with Indian Jails where Association at night also is the rule for seventy-five per cent prisoners.

It is cheaper to run because less *staff* is required. In India, however, this factor would be largely counterbalanced by the huge initial outlay for building cells and the additional annual cost of upkeep of buildings.

(*b*) 'Solitary Confinement also allows time for reflection.'

But it is doubtful if the ordinary prisoner is capable of beneficial reflection. He must first realise the wrong he has done before reflection can do him any good. This he is unlikely to do. He is more likely gradually to convince himself that he is ill-used and oppressed—a conviction which will make him worse rather than better.

In fact, one of the most unhealthy phases in a prisoner's life is that mood of self-pity to which he is constantly liable. This failing is much more marked in a man who has been for long periods of time alone in a cell.

(*c*) 'Solitary Confinement screens a man from contact with evil. Only good influences (Governors, Chaplains, etc.) approach him, and only elevating literature is allowed.'

They contrast this with the danger of associating with men who are equally or more depraved, and point to prisoners who after improving during five

to ten years of Solitary Confinement, have deteriorated on going into Association. The latter argument, however, really shows that Solitary Confinement has failed to form a character fit for Association with other men. 'Virtue in seclusion is no achievement.'

(*d*) Their final argument, that 'most men after ten years' solitude reject the offer of Association,' is equally fallacious: it only shows that Solitary Confinement is a-social in its effect, and is not the right training for a man who will have to rejoin his fellow-citizens later on.

The English system of Association, on the other hand, endeavours to make lawbreakers fit once again for social freedom, living at peace with his fellows, contributing to the common good, and able to withstand the everyday temptations that beset him in the social life outside. He cannot learn this in Solitary Confinement; therefore, he is trained and tested in Association.

At the same time, we must realise the grave potential dangers of Association, and take steps to raise rather than debase the prisoners. To this end, special measures have been taken by the English Prison Commissioners, such as:—

(i) Classification according to age and degree of criminality;

(ii) Providing topics for conversation, as well as opportunities. Otherwise, conversation is reduced to exploits of crime or indecency. Topics are provided by means of lectures, debates, sport, etc. It is for this reason that newspapers are allowed to certain classes of prisoners.

(iii) The production of a certain standard in the general sense of the prison community. As Mr.

Paterson, one of the English Prison Commissioners, puts it: 'The tone of the whole must be higher than that of the individual member. Every virtue, as well as every vice, exists in a prison community. The virtues must be mobilised to fight the vices. The good will always beat the bad. The primary task of a prison staff is to utilise the best instincts of their prisoners, and to stimulate the growth of a healthy public opinion. It can be done by setting a high personal example; by choosing the right leaders among the men and allowing them to use their influence among their fellows; by working through these leaders and encouraging the men to abide by their better instincts. Public opinion is a greater weapon than authority, and good *esprit de corps* may be formed in a prison as well as in any other institution.'

This *esprit de corps* can similarly be fostered in Indian jails. In certain jails, it is already high. This was well shown in Madras Jails in 1925 when the prisoners—just as much as the staffs—of the different jails vied with each other to obtain the best opinion of the visiting delegates to the Conference. But in many ways the Indian Jails fall below the standard required for Association. Classification is good, but the Association which exists at night leaves much to be desired. The percentage of cellular accommodation for sleeping at night should gradually be increased. It is undoubtedly during the hours which succeed lock-up and precede sleep that plots are hatched and debasing conversation carried on.

It is said that in some parts of India the heat is so great that to confine prisoners in cells is a

cruelty. This factor may outweigh other considerations in certain jails, but, so far, there are no statistics to prove it. At such wholly cellular jails as Salem in South India and Port Blair in the Andamans, the health of the prisoners has been in no way impaired by sleeping at night in cells.

Whether locked up in associated barracks or in cells, something must be done to occupy the minds of the prisoners before they go to sleep. This is almost impossible as long as the usual system, of indifferent lanterns for barracks and no light at all in the cells, is in force. All Central Jails should be lighted by electricity, and the smaller ones by *good* oil or petrol lamps.

Only thus would it be possible to utilize the hours from 6 to 9 p.m. with lectures, classes, handicrafts, books, etc. And even if good lighting were available, not much could be done unless the quality and quantity of the staff be raised and voluntary outside assistants should come forward as teachers and lecturers.

It is the opinion of the English Commissioners that only as the above-mentioned conditions are carried out will a policy of Association (by which is meant association by day and separate cells by night) be preferable to that of solitude. To this Indian Jails have not yet attained.

2. Public Opinion

This is coloured by the temperaments of the various Continental races and influenced by economic conditions existing in the country at the time.

For instance, *Germany*,—since the War—has had to practise the most rigid economy which

extended to the whole of her prison administration. Also, the change from a monarchist and militarist régime to one of democracy resulted in a state of disorder in the prisons which led to a great slackening of discipline among the prisoners and lack of policy in the higher command. Formerly, Germany showed a definite preference for punishment and deterrence, but the Republic is exerting a softening spirit. As a nation the Germans regard idleness as the cardinal sin and conceive work as at once the great weapon of reform and punishment. However, the prison food is as good as that enjoyed by many workers outside ; the work is no more laborious, and thus the deterrent influence of the prison is distinctly on the wane. Amongst the general population, the ex-prisoner is a creature to be shunned, and, though a man can always get work on leaving prison, he tends to return because of the refusal of men to accept him as a companion.

Similarly, in *Holland*, the prison administration reflects the character of the countryside, and the minds and habits of its people. Their prisons are efficient and industrious, clean and colourless, and the mind of the honest citizen has for long approved without question these ideals. He does not like the criminal, but he shrinks from active cruelty towards him, punishing him by deprivation of enjoyment rather than imposition of pain. There are few if any signs of real sympathy. Nevertheless, there is a change coming and the wisdom of Solitary Confinement is being questioned. Already this feeling has resulted in the experiment of an associated prison at Veenhuizen, and if this is sufficiently successful to warrant expansion, the Dutch will be faced with

the same problem as has already been faced in England, that of adapting existing buildings to new ideals.

Belgium expresses its business-like and unromantic self in an efficient and industrious prison system. The Belgians are accustomed to work uncomplainingly for long hours and without holidays. They are, moreover, a severely practical people, measuring success by results. These characteristics are shown in their prison administration. Men must be sent to prison if they are a nuisance to free Society, and once there they must be as little burden as possible to the honest tax-paying citizen. The best way to make them work is not to drive them into industry by fear of punishment, but to lead them by a fixed and intelligent system of inducement. The most effective appeal is to the stomach. Hence the system of wages and a prison canteen. Nevertheless, as in Holland, the opinion is gaining ground that merely to deter and repress, to punish and detain is neither sufficient nor even successful, and thinking men are looking for better methods of treatment.

Italy. The Italian is volatile in thought and temperament. The War involved this country heavily in debt, and subsequent events have turned the thought of the people more to foreign affairs and their relation to Italy than to such uninteresting subjects of internal administration as housing, education, and the state of the prisons. The Italian temperament, however, leads to originality in thought: of this race was Lombroso, whose theories on the 'criminal type' were at one time almost universally accepted and still have their followers.

In the present generation, a theorist has arisen in Signor Ferri, whose school of thought formulated a new Penal Code a few years ago, based on the theory that a criminal is a sick man, not responsible for his actions; and a subject, therefore, for treatment rather than punishment. Italy, while rejecting the main theory, accepted some of the recommendations, i.e., for juvenile offenders, and agreed with the proposals to abolish Solitary Confinement, to establish colonies for long-termers, and to pay part of the prisoner's earnings as restitution to his victims. These and other recommendations have recently been under the consideration of the Commission, appointed to re-draft the Italian prison code, and we may hope that many useful reforms may result thereby.

3. Classification

The great care which is devoted to this subject in England, and also in India, is to a large extent unnecessary in the Continental prisons, owing to the fact that almost all prisoners are in Solitary Confinement. All Continental countries, of course, separate men from women, and there are also special prisons or institutions for adolescents of both sexes. But apart from this the only real classification is by *length of sentence*.

Association, when or where permitted, is sometimes far more complete than in England, or even in India.

In *Belgium*, the present tendency is to mitigate Solitary Confinement by bringing more men each year into silent Association by day in the workshops, but there is no classification of such men, and

wholesale contamination must follow if this omission is not rectified.

Holland has made one experiment in an Association prison (at Veenhuizen). It only holds a hundred men and these are selected as being of good character and fairly long sentence. They are in four divisions; over and under twenty-one—Casuals and Habituals of each. This prison claims eighty-three per cent of successes, which the Government attributes to the personality of the enthusiastic governor. The moral is to find others like him, for a system that calls for neither character nor personality in its administration cannot efficiently deal with human lives. The one convict prison in Holland also permits Association for those who have completed their five years in cells. There is no classification for such. They work together, have their meals in groups of fifteen and sleep in caged dormitories each holding fifteen men.

In *Germany*, convict prisons differ from local ones mainly in severity of treatment—discipline in the former being much more strict. In either, isolation in a cell for the first three years is complete and rigid. But when the period is over, complete Association follows. The men then work, eat and sleep in close Association. When over-crowding is added, contamination and immorality must occur. It is the general opinion of governors that there should be Association by day only.

This is also the aim of prison administration in *Saxony*, in each district of which there is a small prison for short sentences (up to two months); middle prisons for men (two to six months), women (up to three months) and juveniles (up to one month); and a

larger prison for longer sentences and convicts. From first to last the object of a Saxon prison is to reform. The main method of reformation is through work and education. The authorities try to put them into a position to earn a living, by making them work hard, and by teaching them.

In respect of classification, *Italy* is, or was, before the Commission began work, in a class by itself. There was in Italian prisons a daily average of something over thirteen thousand sentenced prisoners and something over *thirty thousand prisoners not yet sentenced.* This preponderance of untried prisoners produced overcrowding, uncertainty and discontent. The average period under trial was one year; but many were in for two to three years, and occasionally four to five years! This was said to be due to the complex process of the Italian penal code. The crowds of untried prisoners in local prisons, exposed to all the evils of Association, were the darkest feature of the Italian system in the first two decades of this century. When a man is eventually sentenced, he is given one of four kinds of punishments:

Local imprisonment up to two years; penal servitude for three years to fifteen years; penal servitude up to thirty years; 'Life', which means till death. Every convict passes the first sixth of his sentence in Separate Confinement, (a Lifer passes seven), and thereafter his time is spent in Association day and night. After half his sentence is completed, (there is no remission) he can go if he pleases to one of the convict settlements. Otherwise he remains in an industrial prison.

The authorities agree that the best system is Isolation at night and work in Association by day.

But the large number of under-trials, and the old-fashioned construction of many prisons, make it difficult to carry out their principles. Classification is non-existent. The amount of contamination that must ensue is incalculable. The Association is complete, when there is any at all. A man is never away from the others: he lives and sleeps in a crowd. The treatment of juvenile offenders also has been unsatisfactory, partly due to lack of funds but mainly to lack of appreciation of its importance. After the age of eighteen all males are classed as adults, and no attempt was made till recently to separate the young criminal of twenty from the recidivist of sixty. The only place which bears any resemblance to our English ideas of Borstal reformatory methods is at Turin.

4. Treatment of Young Offenders

In no country on the continent of Europe has the treatment of the young developed exactly on the lines adopted in England. Perhaps this is due to the different characteristics of the races concerned.

However convinced we may be that the principles adopted in England are the best for the erring youth of that country, we cannot assert that the same principles must be equally suitable for other races or countries. Each country must 'work out its own salvation' in this, as in other matters.

This, of course, applies equally to India. Nevertheless, each country can learn from the other, and the more one knows of the methods of other countries, the more likely will one be to choose the right course to pursue in the country concerned.

For instance, to take *Belgium*, delinquents under

sixteen are looked after by a special Government Department, *de la Protection de l'Enfance.* The boys are usually sent to a Government Reformatory, but most girls are sent to a privately run institution. Boys of sixteen to eighteen may also go to Reformatories; above that age they are treated as adults. The lads are classified into 'urban' and 'rural', and for each class there is a separate institution. The former is at Ghent, and of this Borstal, it has been said that there is 'no contamination, no dirt, no disorder, no assaults, no breaking of windows, etc. But high walls and gates, eternal silence, no games, no real Association; excellent work in shops, and high standard of education, but no training of character, trust or sense of honour.' The Institution for the rural class is at Merxplas, and resembles much more closely the English system. Its whole purpose is reformatory, and it is claimed that 90 per cent do not relapse. Lads are usually admitted at seventeen years, and their sentences may be from three months to life. The Institution only accommodates fifty; therefore, great individualisation is possible, and the training given is very complete. There is no Borstal Association to help the lads on release, but the Governors usually succeed in getting jobs for them, and any expenses incurred are paid by the funds of the Club run by the lads themselves in the Institution. This is rendered possible by the fact that the lads are paid for their work, and subscribe one-tenth of their pay to their Club.

In *Holland*, an offender under sixteen must be treated as a child, and cannot be sent to prison. From sixteen to eighteen, he may be treated either as a child or as an adult. After eighteen he is only

eligible for punishment as an adult. No allowance is made for the 'mental age' of a delinquent. Below eighteen, neither thought nor expense is spared to ascertain and apply the correct remedy in each individual case. But above that age, there is seeming indifference on the part of the State.

A feature of Holland is the way in which the State employs a great variety of private agencies in its interests. Thus, there is only one State Reformatory for boys, but thirty to forty private ones. Lads may be sent to either of these or to a private family.

The Probation System runs throughout, and the Probation Officer is assisted by a voluntary committee of educational and social well-wishers, whose absorption in the complete State scheme of prevention, training and after-care results in a thoroughness of work which we must all admire. The one State reformatory is run on very up-to-date lines, but there are few countries which would be willing to spend so much on an Institution for young thieves. Each of the one hundred and forty-four inmates costs the State about £250 a year. Of these about 64 per cent do not again come into the hands of the Police.

In *Germany*, the reformatory treatment of the young is going ahead fast, and Institutions employ the 'family' as a unit. Each family has about twenty boys; the 'father' is a member of the Staff, and the 'leader' a senior boy. As in Holland, these Reformatories are expensively run (Streebeshof has a staff of sixty-five for two hundred lads) but the boys are happy, and 65 to 85 per cent (lessening with age) are reclaimed. Streebeshof has been described as 'a little paradise of colour and proportion. There

can be few schools where simple beauty is so faithfully observed': while Germany's newest reformatory at Mittweida 'resembles a cluster of county houses in a Berkshire park'.

In *Italy*, for girls, there are sixteen Reformatories, all of which are maintained by private (usually religious) bodies. For boys, aged nine to fourteen, there are ten State and five private reformatories. Lads of fourteen to eighteen may also be sent to these if there is room. Or they may be sent to one of the two State 'Houses of Correction'. These are far too small for requirements; consequently, most lads have to go to prison—usually in a special wing. These Institutions are all more like prisons than places of Borstal training. In the best of them, the educational and industrial training is good, but (with the exception of Turin) in none of them has there been any attempt to improve their character and morals.

5. Treatment of Female Prisoners

As already stated, great use is made, on the Continent of Europe, of private agencies for dealing with female offenders. This system is not employed in either England or India, and therefore, its advantages and disadvantages should be considered. The private agencies concerned are usually religious bodies, and for such it is essential that all the inmates should be of the same faith as those in authority over them. This is easy in Roman Catholic countries such as Italy, but creates a great difficulty in the employment of the system in India, even if there should be suitable women to put in charge of the offenders.

These private agencies are supervised by Government, which usually makes a grant of so much per head. The remaining necessary funds are raised by the sale of prison-made goods. On the whole, the system works well. Discipline is good, the buildings are clean and well-kept, and the inmates are contented—even happy. In most of such prisons the religious side of life is kept very much to the fore, and the effect is excellent. Education (except perhaps in Germany) is elementary, but all forms of housework are well-taught, and it may be said that, generally speaking, the ordinary offender comes out of prison a better woman than she went in.

There is one class of offender, however, for whom little is done: i.e., the prostitutes. These form a class notoriously difficult to deal with. Nevertheless, all are not equally bad, and efforts should be made (*a*) to separate the beginner from those who are hardened to the trade, (*b*) to reform such as show any hopeful signs, and (*c*) to provide new interests and occupations for their minds and bodies. Little is done for them in this respect. Of the countries already mentioned in this chapter, *Italy* is probably the most backward in its treatment of such women. They are herded together with all sorts of other offenders during their long periods under trial and even when sentenced and sent to the prostitutes' block, none of the suggestions made above are attempted.

As regards *France*, Dr. Gordon[1] speaks very favourably of the methods employed. Her observations were made some fifteen to twenty years ago,

[1] See *Penal Discipline*, Ch. xiii. p. 209 et seq.

but the principles on which the French treat their female prisoners have not undergone much alteration. The prisons are well and expensively equipped; letters and visits are freely allowed; and private money may, to a certain extent, assist the prisoners. Wages are paid to them, wherewith they may obtain extra food and other luxuries. Government only provides two inadequate meals a day, but by means of their earnings the women can obtain a satisfactory and varied diet.

For short-sentence prisoners, the whole period of incarceration is spent in Separate Confinement, and masks are used whenever a women leaves her cell. No domestic work is done by the prisoners save the cleaning of their own cells. In addition to food, she may supplement her clothing from the prison shop.

The Separate Confinement is not so trying as in an English prison, for the cells are large and airy, and well furnished. The furniture is good; water is laid on, and electric lights supplied. As occupation, the women do piecework in their cells, for a contractor.

In the female *convict* prison, on the other hand, there is no Separate Confinement, save for the few under jail punishment. The women sleep in large dormitories, and feed in a big dining-hall. Rooms are also provided for reading and writing purposes.

There are large airy factories, which are equipped, not by Government but by an outside manufacturer. Government merely guarantees him a definite number of women workers, and he provides the machinery and materials; and teaches, and pays the women for their work.

The whole prison is planned so as to liberate the

largest number to work for this manufacturer. Up-to-date machinery in kitchens and laundry simplifies and accelerates the domestic work.

The wages paid to the women, and the prices asked for the manufactures are regulated by the Chamber of Commerce, and there appear to be no difficulties with outside Trade Unions. The prisoner's earnings not only provide her with small luxuries but go towards the support of her family outside.

While in prison, she thus learns a skilled trade, and has the option of entering her employer's free factory on release. The system certainly has its good points, and these deserve due consideration.

6. Industries

In India and in England, the State provides all necessities of life for the prisoner but demands from him a full day's work—all the profits of which are taken by the State to counterbalance in part the cost of his keep.

On the Continent of Europe, however, another system is widely used. Knowing that one of the strongest appeals in nature is the stomach, prison administrators make use of this both as an incentive to work and also as a means of relieving the honest tax-payer of part, at any rate, of the cost of prison upkeep. Therefore, the diet supplied by Government, is usually very meagre and monotonous, but each prisoner can earn by hard work a small monetary allowance wherewith he can purchase extra food and other luxuries suited to his taste. The 'wage' given varies according to the degree of skill and industry, and any lessening of industry makes itself automatically felt. So much so is this the case

that deprivation of work becomes a severe punishment, as it entails a loss of power to purchase these additions to the diet which make life endurable. In Belgium, the wage depends purely on the daily output: in Holland, it depends on the relation of output to capacity, e.g., a tubercular prisoner will be paid at a higher rate for an equal output. This is only just, but it necessitates a larger staff to deal with the book-keeping, etc.

In these countries, too, the Trades Unions have (as in England) objected to the supposed competition of Jail labour, but in Germany this is not so. There, prison manufactures may be sold in the open market, and hence a much greater variety of industries is possible. The prison officials keep a keen watch over the output and insistently demand a full day's work. This is obtained with remarkably little supervision, the Germans being by nature and upbringing a hardworking race. For the goods produced, the Government is paid by the contractor at rates current for wholesale purchase, and each prisoner is given for his own use about a tenth of the value of his output. The balance goes towards the expense of prison administration.

In *Italy*, the diet-industrial system is carried out rigorously. The prisoners are paid according to output, and, without their wage, not only would they suffer from daily hunger, but they would be unable to obtain those two luxuries so essential to every Italian—wine and smokes. The result of this policy is that the convict prisons are nearly self-supporting. The under-trial prisoners in Italian prisons Government does not supply with diet, and consequently this expense devolves upon their friends and relations.

The industries carried on in the prisons of Italy are many and well-organised. Their success is due to three main factors :

1. The above-mentioned spur of hunger.
2. The large percentage of long-termers.
3. The lack of outside opposition to, and consequent good market for, prison manufactures.

In spite of arguments in favour of this principle, England will probably never go back to it in full, though she is considering the advisability of trying certain experiments at Wakefield and Feltham in the direction of paying the inmates in food, etc., in accordance with the amount of work done.

It is equally unsuited to India. It is only one more instance of the fact that methods which may work well in one country would fail in another owing to the different conditions of life, habits, and morals of the peoples living therein.

7. Education

The part which this plays in the life of a prisoner varies greatly in the different countries of Europe. It is a prominent feature of *German* prisons, where it is compulsory for all up to twenty-five years of age, and voluntary afterwards. There is a keen desire on the part of the prisoners to learn. The teaching is carried on by prison officers, assisted by voluntary helpers from outside. In addition to ordinary school education, religious subjects are taught on Sundays and music in the evenings. The Germans are a musical race, in spite of their most unmusical language, and the privilege of sharing in the prison music is much sought after. In Germany, education

is not so much handicapped (as is the case in other countries) by Solitary Confinement.

Belgium makes no attempt to occupy or train the minds of adult literates, and all the education given to the illiterate is merely instruction in the three R's. Thus at Brussels prisoners under forty, with more than six months to serve, go to school, once or twice weekly, if illiterate. If already educated, they are exempt. The class-rooms are composed of a number of small boxes, one for each prisoner, in order that the system of Solitary Confinement, may still be enforced.

At the Reformatories, education is more on ordinary school lines. At Namur, the younger girls 'learn literary and vocational subjects in delightful classrooms' and there are occasional lectures. For the boys the education is mainly vocational, having a practical relation to the boys' future, i.e., the arithmetic is commercial and literature agricultural.

In *Holland*, (as in Belgium) Solitary Confinement militates against school education, and only the young and illiterate receive instruction. Only very elementary instruction is given to the illiterate adults: youths at Reformatories get two hours' schooling a day.

In *Italy*, youths are given four hours' daily education, and girls are given elementary instruction. Transported convicts, if under twenty-five years of age, also receive a little. Apart from this, very little is done in the prisons in the matter of education. The under-trials do not receive any education whatever.

8. Capital Punishment

Is not allowed by law in Italy; has been practically abandoned since 1867 in Belgium, and has not

been put into force in Holland since 1870. (In America, as is well-known, capital punishment by electrocution is still carried out. Recently, August 1927, the electrocution of the two Italians, Sacco and Vanzetti, after a series of fruitless appeals lasting nearly seven years, caused world-wide comment.) The countries that have given up capital punishment replace it by imprisonment for life (which may mean twenty years, or literally for life), and state that the absence of such punishment has not resulted in the increase of serious crime.

Similarly, *Corporal Punishment* has been abolished in Saxony and Belgium, without (it is stated) any loss of discipline in the prisons. Nevertheless, those countries that retain the power to use it are, in the writer's opinion, wise; for there are still certain crimes committed outside prisons as much as within that are best dealt with by this form of summary punishment.

9. Discharged Prisoners' Aid Societies

A review of the work done in aid of discharged prisoners leaves one with the impression that India has little to learn from Continental countries.

Belgium has a central organisation, and a few branches exist; but there is no probation system and no net-work of after-care. Recidivism is marked, and if this country wishes to lessen its number of habitual offenders, it must realise the importance of dealing with the prisoner after his release. The existing branches are much in need of reform, and the Government grant is too small. There is no Borstal Association connected with the Borstal Institutions, the Governors of which have

themselves to find work for their released lads, while any expenses incidental thereto have to be paid out of the Borstal lads' own Club funds.

In *Holland*, the D.P.A.S. receives a small State subsidy, but little work is done, and then only for adolescents. The general public does not like the criminal and is unsympathetic towards him when he has 'done his time.' Recidivists are expected to return again and again, and do so.

In *Germany* it is the same tale. The organisation of the D.P.A.S. is very faulty and incomplete. The ex-prisoner can usually find work, but Society is slow to forgive, and he is not welcomed by his fellow-workmen.

Of *Italy*, we need only say that there is little public interest and no co-ordination. The work done is very limited in its scope, and the Government used to grant only 3,000 lire (about Rs 900) a year for the whole of Italy. The prison at Rome, however, has successfully carried out a somewhat interesting experiment. There is no D.P.A.S. in the city of Rome itself, so the prisoners (with the approval of the authorities) determined to inaugurate one for themselves.

The D.P.A.S. work is run by a board of six prisoners elected by their fellows. These work all day in an office set apart for them by the Governor. Their funds are acquired in various ways, including the sale of papers[1] and of surplus bread. The

[1] *Note*—The prisoners are allowed to purchase outside papers. These the Board purchases daily at wholesale prices, and sells to individuals at retail rates. A 'Prison paper' is also printed at this prison, written and subscribed for by the prisoners. The circulation is over 6,000 copies, and all profits go to the D.P.A.S., to be used for prisoners under the direction of the Board.

Board allocates sums to released prisoners, and keeps all the accounts.

The fact that prisoners often help each other in securing work and a livelihood after release is well-known, but little or no cognisance of this is taken in India by the authorities and Aid Societies. If the custom were recognised and the aid of other prisoners encouraged, it is possible that many more individuals might be set on a right path.

10. Treatment of Tramps, etc.

The last feature to be brought to the reader's notice is one which at present has no exact parallel in either England or India. And yet it is not new to our English administration, for it was the same principle which, in the sixteenth century, caused the provision of 'Houses of Correction.' These were originally established to lessen destitution by eliminating the able-bodied idler, vagrant or unemployed. These persons were committed to 'Houses of Correction,' where they were compulsorily made to work, 'partly in order to produce their keep, partly with a view to their reformation of character, and partly with the intention of thereby deterring others from idleness and disorder.' (Webb.)

The original principles of these Houses, however, were gradually allowed to lapse, until they became mere prisons. With the coming of the nineteenth century reforms, and the provision of workhouses, the houses were abolished.

In Switzerland, Belgium and Holland, a similar system is still in force, and has many points to commend it. Those in Switzerland are called 'Correction-Institutes' and are administered by the

'Cantons' concerned. (They must not be confused with the 'Houses of Correction' in Holland, Italy and elsewhere. These are equivalent to our Reformatory schools for boys and girls.)

These 'Correction-Institutes' are really colonies or farms, rather than prisons, and are designed to relieve the country concerned of such undesirables as petty recidivists, tramps and all those who persist in being idle.

Out-of-work men may volunteer to enter the colony, and such are given certain privileges as long as they do a full day's work. Once inside, however, they must stay there until they have earned a certain amount.

Ordinary tramps, as well as petty recidivists, may be sent there by a Court. In *Belgium*, their sentence may be up to two years, and up to seven years for one who has previously been in prison or in one of the colonies.

In Belgium, there is one colony : to this are sent any men found wandering about without visible means of subsistence. After admission, they are classified into nine sections :

1. Rebellious.	2. Recidivists.	3. Old and invalid.
4. Weakminded.	5. Bullies.	6. The immoral.
7. Hospital.	8. Youths.	9. The remainder.

The last-named section is by far the largest.

In *Switzerland*, an out-of-work man is usually committed for six to ten months, and during this period the town or village where he ordinarily resides will have to support his wife and children, if any.

At the Veenhuizen colony in *Holland*, there were formerly about 4,000 inmates. Now-a-days, there

are about 1,300—all beggars. First admissions are in one block, and the aged in another. Otherwise, they are located in blocks according to religion. The other colony (at Hoorn) is set apart for drunkards and bullies, and only accommodates about 200.

The labour at these colonies is arduous, and is carried on for ten hours daily. In the main it consists of reclamation work or agriculture, but at Veenhuizen there are good workshops, with electrically-driven machinery, smithy, weaving, carpentry, tailoring, etc.

The purpose of the colonies is to protect the public rather than to rescue the vagrant from a wasted life. They are a business proposition on the part of the State. The colonies cost very little and save a great deal.

The *Swiss* colony at Witzwil, in fact, is self-supporting; during the War, when agricultural produce was in great demand it was able not only to pay all its own expenses but to make a clear profit of over 2,000,000 francs.

Very little of a reformatory nature is attempted, either in the colony or after discharge, and probably not more than 5 per cent are reclaimed from a life of petty recidivism. Nevertheless, these men, who would otherwise be not only non-productive but also a menace to society, are detained inexpensively for one to three years, during which time they earn their keep by hard labour and have every chance of learning the habit of industry.

In *England*, such men may live month after month in idleness on the Government 'dole', or are found in some hundreds of casual wards, in prisons or in a few charitable institutions. Were they

collected in colonies such as those above-described, and *made to work*, it would not only be more profitable to the State and better for the men themselves, but it would also focus the attention of Government and the general public on the primary causes which produce such an army of failures.

CHAPTER V

THE PRISON SYSTEM IN INDIA

1. **Historical**

It is not proposed to do more than touch on the early history of prisons in India. To do so fully would be far too great a task, and would serve little useful purpose. In olden days, prisoners were punished—and often very cruelly punished—at the whim of their Muhammadan or Hindu rulers or officials. Beheading, trampling to death by elephants and poisoning were only a few of the methods used for ending the lives of ill-doers or even of those who had incurred the hatred of their masters, while various forms of maiming, such as lopping off noses, ears and limbs or gouging out the eyes were commonly practised.

Under one old system of law, it was legal to amputate limbs for certain offences; in fact it was not until the passing of Regulation III of 1803 that hard labour was specifically provided in lieu of this form of punishment for grave offences.

Prisons as we know them did not exist, though both under-trials and convicted were at times thrown into dungeons or strong-rooms of the local chieftain's palace or fort.

The English traders first appeared in the country in the days of Queen Elizabeth, who entered into an agreement with the Moghul Emperor for trading centres on the west coast. Their first proprietary

holding, however, was what is now Madras, and this was obtained some years later by an agreement between the local Hindu ruler and the 'Governor and Company of Merchants of London, trading with the East Indies.' This Company, commonly known as the East India Company, subsequently obtained holdings in Bombay and elsewhere. They, however, limited their activities to trade, only becoming warlike if their interests were involved. Such a clash of interests led to the struggles with the French which ended with the capture of Pondicherry in 1761 by the English. The importance of Indian trade was by that time becoming recognized, and in 1784, the British Government passed an Act of Parliament whereby they assumed partial control over the affairs of the Company. This Government support strengthened the Company's hands, and enabled it to make a commencement in the introduction of law, justice, and order, not only in their own holdings, but also amongst the warring races around them. This work was carried on slowly but steadily, in spite of the opposition and difficulties met with, until (in 1858) the whole administration of British India was brought directly under the Crown.

It must be remembered that much of the crime committed in India was, and is, hereditary. The perpetrators of such crimes do so as a result of their birth and upbringing, and often would not consider it a crime at all. Thus even the Thugs (professional stranglers), whose eventual suppression was begun by the East India Company, and finally effected by Col. Sleeman in 1860, possessed many good qualities, and the same may be said of professional thieves and

even poisoners. They may be compared with the monomaniac who, when in possession of an axe, will kill the first person he sees, but who—in the absence of that particular weapon—is an otherwise normal and even kindly individual.

'The problem in the East,' as Adam writes, 'as to the best means of dealing with the criminal population, presents far more difficulties than it does in the West. In England we have to deal with people of one nation only, but in India there are vast numbers of races and various religions and languages. Yet, in spite of these drawbacks, the criminal laws of India are dictated by an excellent commonsense and a wide and comprehensive knowledge of human nature.' Elsewhere he says, 'For generations past the best brains of this country have been engaged in the administration of India, with the gratifying result that the methods of dealing with criminals there have attained a degree of proficiency far exceeding anything of the kind to be found in England.'

That the East India Company, guided from 1784 onward by the British Government, energetically pursued its policy of establishing law and order is shown by the fact that in the year 1836 there already existed in the districts of Bengal, N. W. Provinces, Madras and Bombay no less than 43 Civil Jails, 75 Criminal Jails and 68 Civil and Criminal in one. The combined accommodation of all these Jails was for 72,079 prisoners. The number actually confined within the Jails was 43,790, but this figure was brought up to 56,632 by the gangs of prisoners working on road-building at long distances from their district. In fact, about

this time, out of 29,000 prisoners in Bengal, 13,000 were employed away from their jails, making the Grand Trunk road. It was the principle in those days to employ on road-making every possible prisoner who was sentenced to hard labour. Those who remained within the jail walls usually did little or no work. It is stated in the Report of the Committee on Prison Discipline (published 1838) that 'in the great Gaols of the towns of Calcutta, Madras, and Bombay, all the prisoners are entirely idle.' It should be explained that, at the date of this report, persons were sentenced to 'ordinary imprisonment' or to 'imprisonment with hard labour.' The former were not legally sentenced to *labour* at all, and in the majority of jails throughout India did no work. There were, however, a few exceptions, in which jails experiments in cloth and carpet weaving etc. were being made. But the criterion for success in these experiments was that they should be profitable to the jail; not that work *per se* was beneficial to the prisoners. Also, the decision as to whether intra-mural prisoners should work or not was left to the whim of the Jailor. The Committee of 1836 condemned this system and recommended that ordinary labour should be by law made to mean six hours' work a day, and that if the Magistrates did not wish to add labour to the severity of imprisonment they should specify so. Hence the origin of Simple Imprisonment.

The same Committee also went very thoroughly into the then existing system of employing 'hard labour' prisoners on public roads far from their district, and found that the conditions under which they worked were so unsatisfactory and caused such

a high sick rate and mortality that the only course was to recommend the total abolition of such road-gangs. This recommendation led to the great extension of intra-mural labour which has continued to this day.

One of the results of the assumption of responsibility, in 1784, by the British Government was that the system of Transportation was at once begun for Indian prisoners in the same way as it had just been inaugurated to Australia for British.

The first Indian penal settlement was Bencoolen, situated to the south-west of Sumatra. Thither the first batch of Indian convicts were transported in 1787. These convicts were principally employed in road-making and jungle-clearing, but a few were hired out to local planters.

Of this earlier Settlement, Sir Stamford Raffles, the Governor, wrote in 1818: 'It rarely happens that any of those transported have any desire to leave the country; they form connections in the place, and find so many inducements to remain, that to be sent away is considered by most a severe punishment. While a convict remains unmarried and kept to daily labour, very little confidence can be placed in him, and his services are rendered with so much tardiness and dissatisfaction that they are of little or no value; but he no sooner marries and forms a small settlement than he becomes a kind of colonist, and if allowed to follow his inclinations, he seldom feels inclined to return to his native country.' Thus, in these days, does history repeat itself.

In 1823, Bencoolen was transferred to the Dutch, and the convicts were removed to Penang which had already been made a second penal settlement.

In 1825, Singapore and Malacca were selected as the transportation locality and Penang was closed; but not before an interesting experiment, which had far-reaching effect on the management of Indian Jails, had been carried out there. This was the employment of convicts as Warders—a procedure adopted to overcome the difficulty of securing a full complement of free warders. The earliest recorded experiment, however, of employing a convict in lieu of a free man is perhaps that undertaken by Mr. Bonham, the then Resident of Singapore, who, in about 1825, 'finding that the convicts behaved in an exemplary manner, discharged the peon, and selected several Madrasees and Bengalees to assume the offices of warders over their fellow-convicts.' The success of the experiment at Penang led to its eventual adoption throughout Indian prisons.

The convict establishments in the Straits Settlements lasted from 1825 to 1873, when they were finally broken up. Meanwhile, in 1867, Mr. Man had proceeded with the Life convicts from Penang to the Andamans and had there begun to open up a new convict settlement. To this place, in 1873, those convicts whose terms had not yet expired were transferred from the Straits, but those who were on ticket-of-leave at the time were allowed to merge with the population. Subsequent to 1873, all convicts sentenced to transportation and physically fit for such punishment were sent to the Andamans.

But, to return to the earlier days of Indian prisons, the classification and separation of prisoners prior to 1838 was somewhat elementary. Males were in most cases (but not invariably) separated from females, and debtors from convicts. Similarly,

under-trials were usually, but not always, separated from the convicted, and those sentenced to labour from those not so sentenced.

Further classification depended on the individual district: In Bengal the principle adopted was length of sentence, and in Bombay it depended on caste and religion.

The Committee of 1838 advocated classification according to character of offence and, in addition, recommended that such classification and segregation should be applied equally to those under-trial. Curiously enough (as it seems to us now-a-days), the Committee was opposed to the separation of young lads from adults, stating that their behaviour, morally and otherwise, was worse in the absence of adults than in their company. It was similarly opposed to the idea of education for prisoners and very pessimistic as to the possibility of reforming character. The influence of the then-existing English methods occasionally appears in that Committee's report, e.g., the recommendations for the adoption of treadmills and a great increase in Solitary Confinement.

1838 saw the end of the system—still in vogue throughout Bengal and N. W. Provinces but for some time abandoned in Madras and Bombay—of giving the prisoners a money allowance in lieu of rations.

The *construction* of most jails at this period was—from our modern point of view—very faulty. Even the Great Gaol at Alipore, built in 1810 for 1,000 life convicts, was most defective. In this prison about 1,100 desperate men slept in 12 wards, but were all together in one open space from midday till lock-up. Their light task of gunny weaving

could be completed by the most indolent by midday, and for the rest of the time they idled, amused themselves, and cooked the food which they purchased at a sort of bazaar within the open space of the Gaol. In addition to being idle, the prisoners were absolutely undisciplined, and completely dominated the sepoys who were supposed to guard this body of ruffians, equal in numbers to two line regiments, without any ammunition for their muskets.

Nevertheless, the Committee of 1838, while condemning many buildings and principles in the existing Indian prison administration, pointed out that India was at least as up-to-date as England, and had already adopted many of the suggestions of Howard which England was only then beginning to try.

By 1856, as Dr. Mouat records, many improvements had been effected though much remained to be done. Most of the jails were under-staffed, and inefficiently run under the direction of a Darogah. Discipline was lax, and many jails were insanitary and untidy. 'In spite of all drawbacks, however, the jails of India were then far in advance of the prisons of England of the same period—the percentage of deaths among prisoners being much higher in England than in India.' (Adam.)

At Singapore local petty offenders were, for the first thirty-five years of its prison administration, confined in company with the transportation convicts. This was adversely commented on by the 1838 Committee, so a new Jail was commenced, and completed in 1860. Five years later, Dr. Mouat visited Singapore and expressed his 'unmixed satisfaction' at this Jail

and its management. 'The scrupulous cleanliness, perfect plan of conservancy, excellent order, well-regulated system of labour and punishment, and the high standard of health attained are not surpassed in any other well-regulated institution of the same kind that I am acquainted with in Europe and in Asia. My personal knowledge of prisons, and of all details of prison management, is sufficiently extended to entitle me to speak with authority on this subject. In many important points of internal economy and discipline, Singapore can fairly lay claim to being *Primus to Indis* in the adoption and practical working of principles that are now generally accepted as sound and correct.'

Since the days of Dr. Mouat, and partly as a result of his recommendations, many and great improvements have been effected in the buildings and administration of Indian prisons. In the Madras Presidency, for instance, between the years 1861 and 1865, were built the large Central Jails at Coimbatore, Salem and Trichinopoly. The Salem prison is a remarkable one for two reasons; it was in its original plan almost entirely cellular, and its cells were arranged in two storeys as six interrupted segments of two concentric circles. Each circle has three blocks of cells, alternating with those of the other circle so as to allow free ventilation. The other jails mentioned are on a different plan consisting of a central tower with association or cellular blocks radiating outwards from it, and the whole contained in a circular wall. This type of jail was a favourite one throughout India at the time, and other instances may be seen at Nagpur, Jubbulpur and elsewhere.

A glance at the history of any one of these jails will show how great an advance has taken place during the last seventy years. Take, for instance, Coimbatore. When the jail was first built, no provision was made for cellular confinement, there being only twenty cells for punishment and for carrying out judicial Solitary Confinement. All the other prisoners slept in Association in large barracks. There are now over 800 cells for a total population of about 1,500. The original hospital consisted of two large wards, with a kitchen built between the mortuary and the latrine, and in close proximity to both; modern ideas have changed all this and there are now separate wards for the different diseases, an operating theatre, and ample administration blocks.

Fifty years ago, no attention was paid to the drinking water, and no attempts made to protect it from contamination. Prisoners bathed in open cisterns, and the drinking water was taken about the jail in wooden casks; the night-soil also was carried through the jail in open carts and taken through the main gate. Now the drinking water is protected, chlorinated, and passed to all parts of the jail by pipes, while bathing is done by overhead showers; the latrines are fly-proofed, and the night-soil is removed through an ejector, to be dealt with outside by trenching or a modern septic tank.

Similarly, with regard to food: instead of food being cooked in every yard (as in the old days) and being liable to contamination of all kinds, there is now one large fly-proof kitchen where all food is cleanly prepared under efficient control.

All these sanitary measures have resulted in a very high level of health, and an almost complete

immunity from epidemic disease. The Madras Presidency holds the record in low death rate among Indian Jail Departments and this is in great part due to the sanitary improvements affected in all Madras Jails.

In disciplinary matters, also, the change is marked. Now-a-days it is difficult to believe that as late as 1872 there were over 500 floggings each year in the Coimbatore Central and District Jails. The records show a welcome and steady reduction in punishments, and this without any loss of discipline, or quality and quantity of work done.

In 1919-20, the Indian Jails Committee went very thoroughly into the question of jail management and transportation, visiting first the prisons of England and America, and then the Andamans and all parts of India. The completion of this tour was followed by the publication of a voluminous report which aroused great interest, not only in Government and official circles but amongst the general public. Some of the recommendations made in the Report were speedily put into practice and an endeavour was made to secure more uniformity in the jails of the different provinces.

It was also decided gradually to abolish transportation to the Andamans, though the practical difficulties of this measure were great. At one time there were over 11,000 convicts in and around Port Blair, and very few of the Provinces possessed accommodation for them in their own jails. The actual result was that the 200-300 female prisoners not locally married and a small percentage of the men were repatriated as a commencement, and, since then, a gradual reduction of the convict

population has been going on, while the conditions of life for those that remain have been made far easier. The actual sentence of 'transportation' is still awarded, however, and prisoners so sentenced are (if suitable) permitted to volunteer for the Andamans.

Meanwhile, a large increase in the free population of the Andamans has occurred, and it is probable that in the course of time the Andamans will cease altogether to be a convict station, and will be converted into a flourishing colony under the Indian Government.

As Powell states in his book on *Indian Prisons*, [1] 'During the last twenty years the following steps have been taken to improve prison methods:

'Juvenile Jails or modified Borstal Institutions have been established in all provinces for the segregation of youthful offenders. Some provinces, notably Madras, have reached a very advanced stage in the fight to lessen crime by cutting off the supply of criminals at the source.

'The "star" classification has been introduced, and a special division has been arranged for those persons who would be in the first division in England. Special jails have been set apart for habitual convicts who were formerly kept in separate yards in ordinary jails.

'Advisory Boards have been introduced which meet half-yearly, or oftener, to look into, and revise, if necessary, under Government sanction long sentences. Many prisoners have been released on the recommendation of these Boards.

'Religious instructors have been appointed to

[1] *Indian Prisons*, by Lt.-Col. W. J. Powell, 1926.

most jails with a definite stipend (or honorarium F.A.B.). Schools have been started in many jails, and all convicts under twenty-five years of age, who are illiterate, have to attend. Whole-time schoolmasters have been appointed.

'Factory operations have been improved. Up-to-date machinery has been installed in many places instead of the old hand-loom, and not only have the convicts benefited by being taught an industry that will be useful to them after release, but the problem of unemployment has been solved and an adequate financial return obtained. It has been recognised that jails should supply Government requirements and that they may sell their goods in the open market.

'Jail gardens are run on more up-to-date lines. The local agricultural officers visit and report on the jail crops, and give advice when necessary.

'The pay of the jail staff has been revised, but it has not yet been recognised that a really superior type is required for the charge of convicts. As the revision of pay has hardly been in proportion to the increases in other departments, the quality of the jail warders has retrograded somewhat in recent years.

'Efforts have been made to teach female convicts home industries, and to relieve them of the endless task of sifting and grinding grain.'

In addition to the above, it should be mentioned that considerable advance has been made under the head of classification. Powell has referred to the separation, in different prisons or institutions, of habituals, casuals, juveniles, adolescents, females and Star class. Special prisons (or sections of prisons) have also been set apart for lepers, tubercular prisoners, and the weak-minded.

Several Provinces have in recent years placed Borstal and Children Acts on their statutes. But the extent to which they have been effective has varied much from province to province.

No account of the advances in recent years should omit to record the rousing and developing of the public conscience in the matter of Aid to Discharged Prisoners, a form of true philanthropy which hardly existed in India before the present century. This will be made the subject of a separate chapter.

2. The Indian Prison System as it is To-day

Apart from the jails in Native States, which are administered by officers appointed by their ruling Princes, and the Andaman Islands, which are directly under the Government of India, all jails in the Indian Empire and Burma are administered by the Provincial Governments concerned.

The details of administration are laid down in a *Jail Manual*, of which each Presidency or Province has its own. These Manuals, however, are very similar to each other, being all founded upon the Indian Penal Code and the Acts or orders passed from time to time by the Central Government. They are very full and explicit, and lay down the procedure to be adopted for almost every occurrence in jail life, whether for routine or emergency.

In these days of increased travel and rapid intercommunication, it is advisable to have uniformity in regulations and methods throughout India, and, therefore, it would be a wise measure to replace these provincial *Jail Manuals* by one only, applicable to the whole of India and Burma.

Powell's book,[1] already referred to, gives such an excellent and succinct account of the general management of a modern Indian prison that it would be superfluous to recapitulate it here. It should be read in conjunction with the succeeding chapters.

3. The Object of Modern Prisons

While the Indian Penal Code is designed to prevent and suppress crime, the Prison Department is responsible for carrying out efficiently the punishments awarded by the Courts. It has already been stated that the earlier objects of imprisonment were to deter the individual, to deter the community, to mete out punishment for an offence against Society, and to protect that Society by removing the offender from further harm's way.

The Committee of 1838 gave it as their opinion that the objects of imprisonment were four in number:

(1) deterrence of Society,
(2) deterrence of individual,
(3) incapacitation, i.e., preventing an individual by incarceration from further crime,
(4) reform.

They considered No. 1 to be by far the most important, and had little faith in the last.

As with Howard and his co-reformers, their idea of reforming the prisoner was by solitary reflection and the aid of religion.

At the present time, it must be admitted that, in India, at any rate, there is little deterrent power in imprisonment. Its loss is not a matter for much

[1] *Indian Prisons*, by Lt.-Col. W. J. Powell, I.M.S., Inspector-General of Prisons, Central Provinces, published by the Government Press, Nagpur. Re 1.

regret, for deterrence, pure and simple, has always failed. In lieu of it has come the endeavour to train an offender to become a law-abiding citizen on completion of his sentence.

The object of our modern prisons, therefore, is:

(*a*) to protect Society by removing from its midst for a period such persons as will not abide by its laws or who wilfully war against it;

(*b*) so to treat such persons during their incarceration that they will, on release, abstain from crime and become law-abiding members of the community.

The first object is attained as efficiently as, but more humanely than, in the past; the second is in a steady, and almost rapid, state of development. We fully believe that we are on the right road, but we freely admit that some of the methods used are still in the experimental stage, and further experience is necessary before a trustworthy opinion can be given.

The Jail Department of India desires the whole-hearted trust and support of the Indian public in its endeavours to reduce crime and criminals. It welcomes their interest, honest criticism and constructive suggestions, at the same time being anxious to avoid any feeling of distrust or dislike amongst honest men.

If criminals fear or dislike prison, so much the better; but if prisons are to become effective places for the reformation of criminals and the training of them to become honest men, the Jail authorities need all the support which their provincial Governments and the general public can give.

CHAPTER VI

JUVENILE DELINQUENCY AND ITS TREATMENT

A. The Juvenile

It is naturally the desire, not only of the Prison Authorities, but of the General Public as a whole, to make Society more honest and law-abiding and to lessen the number of criminals. In order to effect this laudable object it is essential to cut off the supply of criminals at the source. 'Prevention is better than cure' in this, as in other, aspects of life. It is the firm conviction of all Penologists that the most hopeful method of reducing the number of criminals is to catch the *potential* criminal young, before his faulty upbringing and environment have crystallised his petty delinquencies into fixed criminal habits.

Society is better protected by preventive measures, which arrest the genesis and development of a criminal, than by any measures of reforming him when once made.

As Quinton[1] has told us, 'Experience has long since taught that the success of reformatory measures has hitherto been in an inverse ratio to the age of the offender. Youthful law-breakers have proved generally amenable to civilising and curative treatment, while those of mature years and fixed habits have, on the contrary, defied all the zeal and all the

[1] *The Modern Prison Curriculum*, p. 104.

efforts of even the most ardent reformers.' Statements such as this could be quoted almost indefinitely, but it is unnecessary to do so as the principle just enunciated has been accepted by all progressive nations and Governments.

Such Governments have concentrated on all measures which would help to prevent, eliminate or reform the young delinquent, and these measures have extended far beyond the scope of this book. For if children are to be turned away from a path of crime and trained to become honest and law-abiding citizens their lives must be influenced from the very start. Even Ante-natal Clinics have their place in the prevention of crime, for a healthy body is one of the first essentials in fighting the battle of life. And if a child is born with a weak constitution it is handicapped from the start. Many a child has been led into crime by an unrecognised defect in eyesight, hearing and the like. Such defect may act by retarding the child's education or lowering his efficiency, so that he cannot qualify himself to earn a living on equal terms with his fellows; or it may sow the seeds of enmity against Society in general, started, maybe, by the sense of injustice caused by the reproofs and punishments of an unwitting parent or schoolmaster.

While it cannot be denied that heredity may have some effect on the conduct of a child, yet environment is a far more powerful agent, and therefore all forms of social activities have their place in preventing juvenile crime.

As Mercier says [1] 'The prevention of crime, like

[1] *Crime and Criminals*, Ch. ix. p. 255. (1918)

the prevention of anything else, can be effected only by attacking its causes. . . . . If criminals are not born criminals, but are made criminals by unsanitary surroundings, then we can prevent crime by pulling down slums and establishing an effectual system of drainage. If crime is due to defective education, then let us reform our schools. Whatever the cause, crime can only be prevented by attacking the cause.'

The importance of a good home and parents is incalculable. If the parents are worthy, the home will be a refuge, poor though it may be. But if the parents are living evil lives, or if they are dead, the child escapes from an unwelcome home into the streets and soon meets with bad associates and gets into trouble. It has been shown in England, and the same is now being proved in India, that a very large percentage of juvenile crime occurs amongst children who have lost one or both parents. For such children, whose home-life has been destroyed, and in the absence of other relations who can, and will, give them another happy home, the State should provide the necessary character training and education.

One has only to look round the streets of our Indian cities, the outskirts of our fairs, or the purlieus of our railway stations to realize how many young children there are who are well on the road to habitual crime, and who already, maybe, are earning a living by petty thefts.

There are also those unfortunate children, the offspring of criminal parents, who are *trained* in crime from their earliest years. For such their only hope is early and complete removal for a long period

from the evil example and teaching of their parents. [1]

But this can only be done by legislation, and by the force of public opinion which will carry such legislation into effect. In many an Indian city the Police could at any time lay their hands on scores of children who are known to live by petty crime. But what is to be done with them if they do? To send them to jail is a crime in itself; and yet this is what frequently occurs. A lad is found obstructing the street traffic by playing a game; or in charge of a donkey with sores: he is probably awarded seven days' simple imprisonment. Or, to take another instance; a boy of eight years who was caught stealing food from a stall was awarded *one year's* simple imprisonment under Section 109 Cr. P. C. as he failed to find security. Enquiry showed that his only remaining relative was a grandfather, who had himself turned the boy out into the street!

Quite apart from the iniquity of sending such children to jail, what could be worse than to award *simple* imprisonment, under which sentence they cannot be made to do any work.

And, yet, unless proper legislation is carried out to deal with such juvenile delinquents, both police and magistrates are helpless.

One of the remedies for this state of affairs is the provision of a *Children Act*, such as has been work-

[1] In this connection, I would put before philanthropists and social workers the possibility of forming hostels and clubs for the waifs and strays in the streets of Indian cities. Such places would keep many a lad from getting into mischief. This suggestion was made by Mr. Alex. Paterson in his report on the Prevention of Crime in Burma, and as a direct result of it a club and a hostel for the homeless urchins on the Rangoon streets has been started. The same form of social service might well be started in other big towns in India itself.

ing successfully in England since 1908. But it is not enough just to pass such an Act through the Legislature. It is necessary to supply the machinery to carry out the provisions of the Act (such as Remand Homes, Probation Officers, Children's Courts and Certified Schools), and to arouse a strong body of public opinion to enforce such provisions.

Up-to-date, the only part of India that has made a success of the treatment of juvenile delinquency is the Presidency of Madras which passed a Children Act in 1920. At first limited to the City of Madras itself, the operations of this Act are now being extended to the Mofussil. In this Presidency alone is the above-mentioned machinery in existence for the fulfilment of all its provisions. But Bengal is now beginning to move in earnest, and the Central Provinces, which recently passed a similar Act, will soon follow suit.

It would be well, perhaps, to explain the importance of the machinery referred to above.

Remand Homes are required as places of detention for juveniles after their arrest and until their trial has been completed. As it is—unless someone can be found to stand surety for them (a most unlikely contingency)—the only place for their detention is a jail. Some jails, it is true, are provided with a separate block for convicted juvenile offenders, but there is hardly a jail in India which has any special accommodation set apart for juvenile Under-trials. The usual solution of the difficulty is to lock them up in a cell; but this is far from ideal, and even so does not entirely obviate the ill-effects of confining them in a jail. Whereas a Remand Home is quite different. The means of preventing escape are un-

obtrusive and the building has none of the forbidding aspects of a jail. It, is, or should be, supervised by an officer trained in the management of children, who secures the child's confidence and begins at once to instil into him the higher ideals of cleanliness, truthfulness, honesty and industry; so that—whether acquitted or convicted—the child should leave the Home better than he entered it.

When the time comes for trial, the youthful offender should not be produced in the usual magistrate's court, where the formalities and the police would frighten him out of his wits: he should be taken to a special *Children's Court* which need be nothing more nor less than the private office of the magistrate. And the latter is not necessarily a man. A Children's Court is the sphere *par excellence* of the Woman Magistrate, for her sex and sympathy will appeal to the little delinquent and she will be far more likely to elicit the truth.

Instead of being brought up by an uniformed Policeman, the child will be in the charge of a *Probation Officer*, attached to the Court, whose duty it will have been to ascertain before trial the home circumstances and habits of the child, the existence of any suitable person into whose charge the child might be placed, and so on. If a suitable home is available—either with the parents or with others—the magistrate may merely put the offender on probation, and his future career will be watched over by the Probation Officer.

If, however, his offence be of too serious a nature, or if his character and manner of life has been too bad, he should be sent to a *Certified School* instead of to prison.

These Certified Schools should be of two classes, Senior and Junior, for older or younger lads respectively, and here they will stay for several years and undergo a strict course of training in character-building, physical culture, education and some form of industry.

The Senior and Junior Certified Schools in the Madras Presidency are doing excellent work, under the guidance of the Inspector-General of Prisons, and the percentage of successful results is very high.

Amongst other forms of character-training, Scout-craft takes a high place and is a feature of the curriculum in these schools.

From the very first day efforts are made to inculcate in these lads a sense of *esprit de corps*, for this is usually entirely absent. All their lives these boys have had to fend for themselves; self-interest and self-profit are the sole criteria of their actions. But we realise that 'the first lesson in morality is the cultivation of *esprit de corps*. It is because *esprit de corps* is so thoroughly inculcated and cultivated in our (English) public schools that the education they afford, contemptible as it may be from the intellectual point of view, is so invaluable as a moral training. That strong sense of the duty of acting, not for the satisfaction of selfish interests, nor for the good of other individuals, but for the welfare of the whole Society, is the foundation of morality,'[1] and we find the Indian boy quite as susceptible to its good influence when properly applied—as is the English lad.

There are other places of detention for young delinquents which have a similar object. These are called Industrial Schools and Reformatories. Of the

[1] *Crime and Criminals*, Mercier, p. 259.

latter there are typical instances at Delhi, and at Jubbulpore and elsewhere.

The Reformatories are regulated by definite Reformatory Acts, and their scope is limited to certain types of offenders. The instance referred to earlier in this Chapter, where a boy of eight was sentenced to a year's simple imprisonment, could not be sent to the Reformatory of his Province because he was committed under Sec. 109, Cr.P.C. In the same province, two lads, aged ten and twelve respectively, were awarded transportation for life for murder, and they too were ineligible for the Reformatory because they were sentenced under Sec. 302.

Therefore, though these schools are run on the same principles as Certified Schools, a Children Act is required all over India, so as to include all juvenile delinquents.

The legal age limit for admission to a Reformatory is up to fifteen: that for admission to a 'Borstal Institution' is sixteen to twenty-one. In the absence of a Children Act there is thus a hiatus of one year when the individual is neither one thing nor the other,—a fact which not seldom causes considerable difficulty. It is hoped that in course of time the Legislature will remove this anomaly, by raising the age of a Juvenile so as to include his fifteenth year. When this change is effected the Reformatories will be able to pass on their over-age lads direct to the special institutions set apart for Adolescents.

A Children Act, however, provides for this difficulty. Under such an Act a 'child' is defined as a person under the age of fourteen, and a 'young person' means a person who is fourteen years of age or upwards and under the age of sixteen years.

Certified Schools are established and maintained under this Act for the reception of both convicted young persons and children. Children under the age of twelve are sent to a Junior Certified School, while those of twelve years and upwards but under sixteen are sent to a Senior Certified School. Thus, in the case of the two children already mentioned who were sentenced to transportation for life and committed to prison, one would have gone to a Junior, and the other to a Senior Certified School. In the case of the former he could not be detained in the school beyond the age of sixteen, and in the case of the latter beyond the age of eighteen. The Act also empowers a court to commit a child or young person to suitable custody (or in the case of a child to a Certified School) until he attains the age of sixteen years, if he is found wandering without any home or visible means of subsistence, or destitute, or under the care of unsuitable parents or guardians, or frequenting the company of any reputed thief.

It is clear therefore that such an Act supplies a great need, and it is most desirable that it should be introduced throughout India.

B. The Juvenile-Adult or Adolescent

Not only have experts in Penology long recognised the importance of catching the potential criminal young; they have also realised that for young offenders a line of treatment, different from that meted out to adult offenders, is both necessary and advisable.

I do not propose here to go into the history of this movement, which I have already described in

sufficient detail elsewhere.[1] Suffice it to say that, under the wise guidance of Sir Evelyn Ruggles-Brise, England cautiously adopting the best parts of earlier American experiments, started in 1902 a reformatory system of training of Adolescents at the Borstal prison in Kent.

The results were so satisfactory that in 1908 Parliament passed a most important Act, called 'The Prevention of Crimes Act', which dealt with the special treatment of young offenders, and formally recognized the establishment of Borstal Institutions—so-called after the parent institution.

These Institutions, and the system of training carried out therein, were not designed to deal with *all* youthful offenders. The conditions qualifying an offender for detention in Borstal were that (1) he should not be less than sixteen nor more than twenty-one years of age; and (2) that he should be of criminal habits or tendencies, or associated with persons of bad character.

The Act of 1908 defines such 'Borstal Institutions' as being 'places in which young offenders whilst detained may be given such industrial training and other instruction, and be subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of crime.'

The good results of this system were so marked that the International Congress of 1910 adopted a series of resolutions which stated their unanimous opinion that no prisoner should be assumed to be incapable of improvement; that sentences should not merely be retributive and deterrent, but also

[1] *The Principles of Borstal Treatment as applied to Indian Prisoners*, Superintendent, Government Printing Press, 1915.

reformatory; that such reformation is most likely to be accomplished by religious and moral instruction, mental quickening, physical development and such employment as will place the prisoner on a good industrial basis; that the reformatory system is incompatible with short sentences; that reformatory treatment should be combined with a system of liberation on parole on the advice of a suitable Board, and that such a system of special treatment should be adopted for adolescent criminals, whether recidivist or not.

Acting on the last suggestion the Punjab Government at once set to work to collect all adolescents into one jail, and sanctioned the erection of a 1,000-celled institution to contain both Casual and Habitual offenders. Large workshops and schools were built within it and provision was made for parade grounds, playing fields and appliances for gymnastic instruction. Qualified instructors in religious and moral subjects were also appointed, so that physical, mental and moral reformatory influences would all be applied. Unfortunately, the provision of special accommodation for even 1,000 adolescents proved insufficient to cater for the young criminals of the Punjab and North-West Frontier Province, and it was found necessary, in 1923, to remove the Habitual adolescents to another jail and to reserve the Borstal Institution at Lahore for first offenders only. It is therefore at the present time an institution run on Borstal principles, but does not cater for that particular class of adolescent offender for whom the Borstal system was devised. It, in fact, corresponds as regards inmates with the 'Star Class' prisons of England and with the Juvenile

Jails which have been formed in most other Provinces of India.

Perhaps the only Local Government in India which has as yet established a Borstal Institution fully on the lines of the English model is Madras. The Tanjore institution is only half the size of that at Lahore, but this is all to the good, for it renders more individual supervision possible, its moral, educational and industrial training is on up to date lines, and the measures taken for improving the physique of the inmates are admirable. Gymnastics, drill, games and route marches all play their part in the physical development of the lads, while Scout-craft, First Aid and matches against outside teams also aid in the development of character.

Other Institutions, such as that at Lahore, may have all these features, but the one in which the Tanjore Institution is ahead of all others in India is the existence of an efficient Borstal Association to deal with the after-care of these lads. The importance of this is inestimable, and further reference will be made to it hereafter.

C. The Four Essentials in Borstal Training

Before concluding this subject it is advisable to stress once more the main principles of the course of training. These may be considered under four heads, which we will term Physical, Mental, Moral and Industrial.

(a) *Physical.* Goddard has told us[1] that we must 'recognise the fact that the persons suffering from abnormal conditions of body or mind are parti-

[1] *Juvenile Delinquency*, by H. H. Goddard. Preface.

cularly liable to commit crime' and that 'there are two million people in the United States who because of their weak minds or their diseased minds are making the country a dangerous place to live in.'

He goes on to point out that these children should have institutional care—not in a jail but in a special Home or Asylum. The cost of building such institutions might be large, but it would be far less than that which the then existing system cost. He estimated, for instance, that the trials and commitments of feeble-minded delinquents cost the city and state of Cincinnati alone a sum exceeding sixty-six lakhs of rupees a year, (p. 18), while New York State had forty thousand feeble-minded in need of institutional care!

What the figures may be in India it is impossible to say, but the principle remains the same, namely that an individual who is handicapped by weakness of body or mind is more liable to take to crime than a healthy one.

There is an old saying, 'Every man is a rascal when he is sick.' If sickness has such an effect upon an adult, what can we expect of children?

I have not the least doubt that, in very many cases, some physical disability is the direct or indirect cause of an individual offending against the law. Therefore, it is of vital importance to remove such a disability—before commitment to jail if possible, but, failing that, in jail or the institution itself. The writer has consistently put this policy into practice, and many a prisoner has left the jail, which he entered as an invalid, relieved of his handicap by medical or surgical treatment.

But, apart from the removal of such handicaps,

physical training has other uses. 'Reformers set a specially high value on physical culture as a reforming and uplifting agency, as well as a disciplinary measure, for those who have lapsed, or been led, into crime. Drill and discipline are found in practice to effect a wonderful transformation in the hooligan class who come under Borstal treatment. Youths of slouching gait and furtive demeanour are rapidly endowed with a manly bearing and straight outlook which are in themselves valuable personal assets for a new start in life, and which their instructors regard as indications of the best possible augury for their moral rehabilitation. In the home, the school, or the ordinary business of life, rational methods of discipline are educative influences which contribute largely to national efficiency, but in prison they are the very foundation-stone of all successful treatment, whether it be directed to the determent, the punishment, or the reformation of the offender.' [1]

Physical culture, therefore, whether it takes the form of Swedish drill, company drill, gymnastics or manly games such as football or hockey, is a feature of the training at all our Indian institutions for adolescent offenders.

(b) *Mental.* By this I mean training in primary education. The percentage of individuals in India who are illiterate is still very high and the cry everywhere is for more schools and more teachers. If primary education is a good thing for people generally (as undoubtedly it is), it is no less a good thing for those who—it may even be for lack of it—have been placed in confinement.

The ideas of the 1836 Committee, referred to in

[1] Ibid. p. 87.

Chapter V, are past and done with, and efforts are now being made to introduce elementary schools in all jails, for the benefit of those who, by age and length of sentence, are likely subjects to profit by it.

All that is attempted is to qualify the pupil to read the news of the day or the letters of his friends, to write well enough to communicate with others by letter, and to have sufficient knowledge of arithmetic to keep his own accounts and so, incidentally, help to keep him out of the clutches of the money lender. For those who are more advanced, libraries are provided so that they may have access to general literature and to religious books. Lantern and Cinematograph lectures on educational subjects, hygiene, rural uplift, etc., are also provided occasionally.

The educational side of training is, of course, far more advanced in prisons and Borstal institutions in England, and much help is given in this respect by voluntary agencies. But we, in India, are following her example, and the results already achieved are encouraging.

(c) *Moral*. 'Religious and moral influences must always take the first place in any rational scheme for the reformation of criminal character. Through them alone can be acquired that *moral sense* which is wanting in persons of criminal habit. They cannot be genuinely reformed without an awakening of conscience, or without the acquisition of some degree of moral sense. As this latter kind of conversion is the best cure, being radical in its conception and permanent in its operation, it is the ideal objective in a sound system of criminal therapeutics.'[1]

[1] *The Modern Prison Curriculum*, by R. F. Quinton, p. 149.

While every thinking man will admit the value of religious and moral influences in the building up of character, the practical application of this principle is far more difficult in India than in England. In the latter there is a standard of morality which is universally recognised (if not universally kept), and the religion of the country—though divided up by dogmas into many varying sects—is essentially one.

In the Indian Empire, however, there are different standards of morals, and religions which differ fundamentally in their nature. It is also unfortunately the case that communal tension based often on differences of religion has of late years been a feature of Indian conditions.

Consequently, the instruction in morality and religion has to be treated with great caution in Indian prisons.

It is a regrettable fact that many of the riots and disturbances in Indian jails originate in religious customs and fervour, misplaced though they may be. And so, although the administrators of our Indian jails are fully convinced of the value of religion in the reformation of prisoners and desire to make more use of this good influence, they have to proceed with caution and little progress can be made beyond appointing religious teachers to give occasional lectures on Sundays to those of their own faiths.

(d) *Industrial.* The aim of this part of the training is to give a lad a means of earning his living on release. If already partly trained in any industry his teachers endeavour to continue his education in that particular form of work.

As, however, about 75 per cent of those admitted to Indian institutions are untrained agriculturalists

it usually means a fresh start. For the same reason, however, agriculture forms an important part of the industrial work, and the lads are taught the use of modern methods and modern implements. In such training, also, is included the care of the animals they would naturally possess on their own or their master's land.

To train lads from the start in a trade such as carpentry, weaving etc., takes time, and the same applies to the training of character. It is therefore essential that they should be sent to an institution for a period long enough to attain this object. Nothing less than a year is of any use, and the sentence should in almost every case be for a full period of three years. If the lad shows promise and does well, he will be able to reduce this to about two years by earning remission, and he may also be allowed out on license.

Beside the above-mentioned four essentials in Borstal training, there are other desiderata. Good buildings are a great asset, but still more important is a *good Staff*.

If, owing to financial stringency, it is impossible to have both, it is better to spend what money there is on a good staff than on fine buildings.

The Borstal Institution at Portland in England is a living example of this. Originally a gloomy and forbidding cellular prison for hardened convicts, it now vies with any other Borstal in existence in the successful results of its training, and this in spite of the fact that the lads sent there are the most habituated to crime of all. The Staff, however, are all highly trained, including Public School and University men, and others who have gained ex-

perience in wider fields, and are filled with enthusiasm for their work. I have entered the open portals of that Institution at 6 a.m. to watch the Staff take the physical drill, and have left it at 9 p.m. with the same Staff as keen and energetic as ever, willing to sit up till midnight, if need be, discussing the ideals of their work.

The Borstals in England are veritably a triumph of men over materials. The influence and example of such men do far more to raise the individual character and the general 'tone' of the inmates than any number of mere lectures on morality.

Here in India, too, we need men of this type; men of high ideals and character; men with a 'call' for social service; men who will view the inmate not as 'Convict No. 999' but as an individual with a soul to be saved; men with a practical sympathy which will enable them to enter into the lives and thoughts of those under their charge and thereby lead them up to higher things.

Such men do exist in this great country of India: will they come forward to aid in the rehabilitation of their erring fellows? When they do, may the various administrations realise their value, and not bury their enthusiasm under mountains of registers or bind up their energies and ideals with masses of red-tape!

Before leaving the subject of the treatment of young offenders, mention must be made of the interesting proposals made for Burma by that inspired leader of Borstal methods in England,—Alexander Paterson.[1] His scheme provides, under

[1] *Report on the Prevention of Crime and the Treatment of the Criminal in the Province of Burma*, by Alex. Paterson, Prison Commissioner. 1926.

one comprehensive measure, for the administration of the Reformatory Acts, Probation Acts, Children Acts and Borstal Acts as in force elsewhere.

For this proposed measure he suggests the title of the 'Prevention of Crime Bill'.

The main provisions of this Bill (which should be studied by all interested in the subject) are—

That no young person under 14 shall be committed to lock up or jail when awaiting trial, but sent instead to Places of Detention (e.g. the Remand Homes suggested above).

That charges brought against young persons under 14 shall be heard in a separate place—women magistrates to be appointed to assist in such cases (i.e., Children's Courts).

That the system of Probation should be introduced for all offenders.

That Corporal punishment shall be carried out on the Court premises.

That no offender under 19 years of age shall be sent to a *Jail*.

That the Government shall maintain

(*a*) Preventive Schools (i.e. the Certified Schools above referred to) for unconvicted persons under 14, living in such circumstances as would ordinarily conduce to crime;

(*b*) Reformatory Schools for young persons under 14 who have been convicted;

(*c*) Training Schools for those offenders who are over 14 but not yet 19 (i.e. a combination of Senior Certified Schools and Borstal Institutions). To go to special

section if not discharged at 21. Can be licensed after six months.

That after care shall be provided for lads discharged from these schools.

For the Madras Presidency, which already has all the above-named Acts in full working order, it is probably inadvisable to make any change. But more backward Provinces might consider seriously the advisability of adopting one such 'Prevention of Crimes Bill' in lieu of the four separate Acts alluded to above.

CHAPTER VII

PROBATION

'I have come to the conclusion that in many cases first offenders have been saved from a future criminal life by the exercise of a wise mercy on the part of the Judge.'—MR. JUSTICE McCARDIE, (referring to Probation) *The Times*, 16-11-1921.

The subject of Probation has been mentioned several times in preceding chapters, and though it cannot be said to come within the scope of this book, yet it is so intimately connected with modern Prison management that a short reference to it must be made.

The word 'Probation' has in recent years come to be used in connection with the treatment of offenders both *before* and *after* imprisonment, and this is apt to cause confusion at times. It would make the position clearer if 'Probation' were limited to the treatment before, or in lieu of, imprisonment, while that in use after release were termed 'Parole'. I will endeavour to keep to this distinction in what follows, though it must be remembered that, in legal phraseology and most books on Penology, the word 'Probation' is used in both senses.

(A) *Probation*, then, means the placing of a person, who has been charged with an offence in court and that offence proved, on Probation with

conditions of good behaviour, instead of sending him to prison. To render the procedure legal, a Probation Act was passed in England in 1907, and it is on the model of this English Act that such Probation Acts as exist in India have been based.

The need of an Act like this, in regard to Juvenile offenders, has already been pointed out. Probation is equally useful for adolescents, and it has a definite place in the treatment of adult first-offenders. It has been said that 'half the people in prison ought never to have been sent there,' and this is very near the truth so long as it is understood that Certified Schools, Borstal Institutions and the like are not here included in the term 'prison'. Probation is one important alternative for imprisonment.

In England there are, practically speaking, two methods of awarding Probation. Some Magistrates have a way of releasing offenders on Probation without placing them under a Probation Officer. This is unsatisfactory and has tended to bring the system into disrepute. For in many cases, release on Probation without any supervision is considered as being 'let off', while in other cases this same lack of supervision means that the offender returns to his old, bad environments and acquaintances and is unable to resist their influence. When such offenders again come before a Court they are pointed out as failures of the Probation system.

The right way of awarding Probation is to place the offender under the supervision of a Probation Officer, or of some qualified person acting as such.

The keystone of the system is the Probation Officer, who should (at any rate in large towns) be a

salaried officer of the State, responsible directly and solely to the Court to which he is attached. He should be, as Powell has said, a man of high character and of large sympathies; a man that the offender will look up to and readily come to when difficulties and temptations arise.

Against the adoption of a Probation system for India the objections often urged are that such men cannot be found, and that, in any case, our Indian offenders are so widely scattered over great agricultural areas that even the keenest Probation Officer could not supervise them.

Paterson, in his Report on the Treatment of the Criminal in Burma, tells us how a discussion on this subject among a group of educated men in Rangoon began by an unanimous opinion that no such men would be available, and ended in controversy over the rival merits of each individual's nominee!

In most of our large towns in India there would be ample work for a whole-time Probation Officer, and if the salary offered were sufficiently liberal I have no doubt that the right type of man would come forward. No Probation Officer should have more than 100 persons in his care, and practically every city of 100,000 inhabitants could provide this number under the provisions of the Probation Act and Children Act. There are 30 cities in India with a population of 100,000 and upwards,[1] and about 2,200 towns with populations of between 5,000 and 100,000; and the yearly tendency, in this industrial age, is for more and more persons to drift townwards. Therefore the need for these Acts will become more and more pressing.

[1] *India in 1926–27*, pages 112 and 113, published 1928.

For the supervision of offenders in rural areas a wholetime Probation Officer is probably not feasible. But in such cases Government can fall back on local help, official or non-official. The head man of the village, the teacher of the village school, the Tahsildar or Patwari, the retired Indian Army Officer, Police Officer or Extra Assistant Commissioner, the Honorary Magistrate of the District—all may be suitable persons to act as Probation Officers. Paterson has suggested that such part-time Probation Officers should be paid a fee of Rs 10 on taking over the case from the Court, with a further fee of Rs 15 when the offender has conducted himself satisfactorily for twelve months, and a final payment of Rs 25 if at the end of two years his good record is still unbroken. A total fee of Rs 50 would be a welcome addition to a man on a small salary or pension, and it would be far cheaper for Government than maintaining an offender in jail. Such a course would also give the offender a better chance to regain his honest habits than would confinement in a jail.

After considering the question from all points of view, it was Paterson's considered opinion, in regard to Burma alone, that 'the effective working of a Probation system, applied principally to first offenders, young and old, would probably mean that in the course of a few years a thousand offenders would be on Probation instead of being in jail.' The benefits of this to all concerned are too obvious to need further emphasis.

(B) *Parole.* This implies the release of a prisoner under supervision—either on completion of sentence or before it. It does not, however, include

the supervision of a released Habitual by the Police under the 'P.R.T.' system.[1]

The object of the 'P. R. T.' system is preventive and not reformatory. The system is a precautionary measure on the part of the Police, with the idea of protecting the public against further crimes. At the same time it should be mentioned that the writer has met many police officers who have—unofficially—done a great deal to help such ex-prisoners to keep straight, and great credit is due to them in this respect.

The supervision which is carried out under the Parole System is much more kindly, and is as far as possible non-official in character. It usually takes the form of provisional release on license, subject to good conduct while in jail or institution. The individual so released may then earn his living in a state of virtual freedom so long as his conduct remains satisfactory and he obeys the conditions under which he is released, such as remaining in his place of residence, non-association with persons of bad character and the like. Should he not comply with these conditions he may be remanded to jail to complete his original sentence.

There are two essentials for such a system; (1) the means to earn his living and (2) someone to

[1] In the case of Habitual, or probably Habitual, prisoners, members of criminal tribes, political agitators and those convicted of certain specified offences, a Permanent Record slip is filled in before release, and the Finger Prints of the prisoner are also recorded in it. If a person thus classed as a P.R. convict.

(*a*) is unidentified, or

(*b*) is thought to be a dangerous or habitual prisoner, he is classed as a 'P. R. T.,' or Class I convict, and his P. R. slip is marked accordingly.

These slips are handed over to the Police, so that they may be able to shadow the man after release.

supervise his work and conduct. If the individual is provisionally released to some rural area, he must usually be found work on a farm, when the Parole Officer will be either the landowner for whom he works, or one of the gentlemen referred to under Probation.

If he is not an agriculturalist, work must be found for him in some trade. It is in this that influential non-officials can be so helpful. Industrial workshops, mills, factories, railways, mines, etc., can always provide employment for released prisoners, and it is to the managers of such firms that the Jail Departments look for support. Philanthropic and religious bodies can also do much to help, if they have the desire to do so.

In the Punjab, for instance, the Salvation Army did very valuable work in this direction in the early days of the Borstal Institution at Lahore. For years—under the late Commissioner Booth-Tucker, formerly of the I.C.S.—did the 'Mukti Fouj' take provisionally released lads from the Borstal, complete their training in some form of industry, and send them back to their villages as respectable members of society instead of being mere 'gaol birds'. The Army has done equally good work at Rangoon and elsewhere. In these cases, the Superintendent of the colony acted as 'Probation Officer' under this system of Parole.

Similarly, during the Great War, large numbers of these lads were provisionally released to work at the Dhariwal Mills, where they were under the supervision of one of the foremen.

Detention in a Borstal Institution does not carry with it the stigma of imprisonment, and it has been

definitely laid down in some provinces (e.g., the Punjab and Madras) that the inmates are not debarred from government employment. Consequently, many of the literate lads are trained in the printing press of the institution, and then proceed to the Government Printing Press on provisional release. In this case the Superintendent of the Press is the supervising officer.

Lastly, many are licensed out into private service, when their master becomes responsible for them. Col. Powell [1] has sounded a useful note of warning in respect to these, as private employees are apt to lose sight of the philanthropic side of their action in taking the lads, and use them as a cheap form of labour, with the threat of re-committal to jail if they protest or fail to work hard.

Nevertheless, the provisional release of prisoners on Parole—whether to Government concerns, religious or philanthropic bodies, private firms or individuals—has a great future before it, and is a means of reducing greatly the population and cost of jails without any harmful effect on the prisoners themselves.

Before leaving the subject of Probation mention must be made of a hopeful experiment now being made in the Punjab. In 1926, the Local Government passed an Act to provide for the release of good conduct prisoners under certain conditions. This was called '*The Good Conduct Prisoners' Probational Release Act*'. The principle of this Act is laid down in para 2, 'where a person is confined in prison under a sentence of imprisonment,

[1] *Indian Prisons*, Ch. IV. p. 18.

and it appears to the Local Government from his antecedents or his conduct in prison that he is likely to abstain from crime and lead a useful and industrious life, if he is released from prison, the Local Government may by license permit him to be released on condition that he be placed under the supervision or authority of a Government officer or a secular institution or of a person or society professing the same religion as the prisoner, named in the license and willing to take charge of him'. It should be noted that this Act applies equally to adolescents and adults.

Release under this Act is dependent on the fulfilment of certain conditions. For instance, short-term prisoners and those convicted of murder, dacoity and robbery are not eligible; prisoners must have done a sufficient portion of their sentence in jail; their conduct while in jail must have been good; the Deputy-Commissioner of his district must first be asked if the prisoner is, in his opinion, likely to abstain from crime if released. These are necessary and wise precautions.

A separate Department has been created by the Punjab Government to carry out the provisions of the Act. This Department also supervises the youthful offenders punished under the Reformatory Act. At its head is the 'Reclamation Officer', who is a member of the I.C.S. or P.C.S. This officer's duties are many and varied, extending far beyond the limits of the G.C.P.P.R. Act.

He works in close co-operation with the Inspector-General of Prisons and is responsible for:

(1) co-ordinating the work of Borstal Institutions,

Reformatories, Conditional Release and other institutions;

(2) the administration of the government farms for adults and adolescents under the G.C.P.P.R. Act;

(3) obtaining particulars of all punishments inflicted on children and adolescents, and of all short sentences, and moving for revision in suitable cases;

(4) recommending the release of sick and old convicts;

(5) selecting prisoners for provisional release and recommending them to Government;

(6) submitting to Government any suggestions for improving the treatment of Juvenile offenders, and

(7) organising a system of after-care of prisoners for the Punjab.

This Act has now been in operation since April 1927, when the Local Government finally approved the rules for its operation and the success of the measure is already established. Up to December 31, 1928, 990 prisoners had been released on license, and of these all but six had proved themselves worthy of the trust reposed in them. The following releases in 1927 will give an idea of the occupations found for them:

Government Reformatory Farms near Montgomery	87
Agricultural Department	22
Firms and Zamindars	12
Montgomery Remount Depot	13

Working as diggers and masons with contractors 138

The released prisoners enjoy the life and are happy. They realise that if they do not obey the few and simple rules they are liable to be sent back to jail; they also realise that if they work well and honestly they will earn pay and further remission of sentence. The system instils a sense of responsibility and self-respect, and helps to fit them for a free life on absolute release. It is also a healthy life and it will in the future be of less expense to Government than the care of a similar number of prisoners in jail.

Lastly, any measure which will lessen the overcrowding of the Punjab Jails will help the overworked Jail Staffs to deal more efficiently with those that remain. At present, with a jail population much in excess of the accommodation for which the buildings were designed, it is almost impossible to treat prisoners as *individuals* or to carry out efficiently the reformatory measures which are so desired.

The Punjab is at present the only Province in India which has initiated a definite scheme on the lines of the G.C.P.P.R. Other provinces have adopted the method of releasing prisoners on the advice of Advisory Boards, but this procedure has two disadvantages:

1. Prisoners are given no training for free life prior to release;
2. When released from prison they are absolutely free and Government has no control over their conduct or actions.

The G.C.P.P.R. appears therefore to supply a

distinct need, and to be a wise and statesmanlike measure, whose adoption in other parts of India should be seriously considered.

It may be said, however, that this Act is in some respects particularly suited to the Punjab and the North-West Frontier Province, owing to the presence therein of the large martial classes, who commit crime frequently in pursuance of a blood-feud, or in the practice of cattle-lifting—both of which are in accord to a great extent with their moral code and do not imply definite criminal tendencies. Such offenders are specially amenable to the principles of which the Borstal and the G.C.P.P.R. Acts are based.

Those interested in the subject of the G.C.P.P.R. Act should read the first Annual Report on the Reclamation Department of the Punjab, published, 1928.

CHAPTER VIII

THE CASUAL OFFENDER

'Be not overcome of evil, but overcome evil with good.' Romans xii. 21.

The Casual offender in India corresponds to the First offender in England. In neither case does it imply that the individual is being punished for his first offence. Far from it!

It merely means that for the first time he has been caught and convicted. In both countries a petty criminal may successfully commit crime after crime before he is at last caught.

Nevertheless, it is a useful classification which does actually include quite a large percentage of real first-offenders.

The Treatment of Casuals in England

Borstal Institutions in England are, as already stated, reserved for youths of sixteen to twenty-one years of age who are habituated to crime. Adolescents who appear before the Court for minor offences for the first time are rarely sent to prison. They are usually released on bail or Probation or are whipped or fined.

The same applies (save for whipping) to a large number of adults. In fact the principles of Probation and allowing time for the payment of fine are largely responsible for the great reduction in the prison population of England in recent years.

If the crime of which they are found guilty is of too serious a character to warrant such procedures, they must of course be sent to prison. In this case the type of prison to which they are sent depends on the character of their crime and the length of their sentence.

Let us glance inside two or three typical prisons and see how the offenders are treated.

Wandsworth Prison is the receiving centre for certain kinds of offenders from the London area. Out of about 700 inmates nearly 200 belong to what is known as the special class. These are young adults between the ages of twenty-one and twenty-six, whose sentences may be anything from a few days to two years.

They are, as far as is practicable, kept apart from the convicts, older adults, and habituals who are also confined in this prison.

They are at once the most difficult and the most interesting class in the Adult Prison. According to the Governor 'they—as a rule—give the most trouble in the Prison, but their misdemeanours are seldom serious. Rather they are such as would be expected from any body of high-spirited young men. Many of them are pleasant youths who, if properly led, would make good outside'.

These prisoners, in addition to being kept apart from others, are dealt with by specially selected officers, and records of each individual are kept by the Deputy Governor. Physical Training is given for an hour every morning and is followed by labour in some special trade. Of these, carpentry and mason's work are the most useful, but brush-making, shoe-making, tailoring, tinning, etc., are also taught.

The very short sentences of some of them renders it impossible to teach them a trade or to do much in the educational line, but well-behaved prisoners who are considered suitable are eligible for educational training in such subjects as Shorthand, Technical Drawing, Book-keeping, General Knowledge, etc. Debating classes and singing lessons are also allowed.

All these classes are taken by *voluntary* workers, and there is no doubt that this branch of social service is very enthusiastically carried out and of great value.

Religious education is, of course, given by the Chaplains appointed to the prison.

At this prison there are no less than thirty gentlemen who are approved voluntary visitors to the prisoners. Their duties are 'to bring a beneficial outside influence to bear on the prisoners they visit and to co-operate with the Prison Authorities and the Discharged Prisoners' Aid Society in bringing to notice cases of hardship among prisoners' families, and cases where prisoners may suitably be helped on discharge.' To each visitor is allotted about a dozen prisoners to deal with weekly.

Their work, if properly carried out, is invaluable. Where cases of hardship are reported, arrangements exist for the visiting of homes by certain ladies who report their observations.

The after-care of these prisoners is managed by a committee of the Discharged Prisoners' Aid Society which meets weekly at the prison and deals with all the cases submitted by the non-official visitors. The expenditure of this committee has now risen to about £1,300 annually, all of which, save a Government grant of two shillings a head, is

provided by voluntary donations. Two paid agents are employed by this committee to find work for the released prisoners and to watch over their progress.

From this short account of a typical jail for short-term prisoners we may gather several useful hints for dealing with our Casuals in Indian jails:

1. The necessity of segregating Casuals from Habitual offenders. This is fully recognized throughout India and has been adopted more or less effectively in all provinces.

2. The importance of teaching the prisoners a useful trade.

3. The need of more primary education and vocational training. All the classes at Wandsworth are held in the evening, after the full day's task has been done. This cannot be done in Indian jails until they are provided with better lighting and with some form of class-room.

4. The need of voluntary workers both as teachers and as non-official visitors. Wandsworth is a prison with a population of about 700, and it has 30 non-official visitors and as many teachers—all voluntary.

With the existing staffs, it would be an absolute impossibility to organise an educational programme for all prisoners in Indian jails, though a certain amount can be done by employing educated prisoners to teach the others.

5. Lastly we must note the efficiency of the D. P. A. S. and the generous financial support of the philanthropic public as regards the after-care of the prisoners.

Another large London prison is *Wormwood Scrubs*, which has cellular accommodation for 1,300 prisoners. Owing to the general reduction of the prison population, however, its actual population is now only about 640 and consists of two classes of prisoners:

(*a*) Adult First Offenders with sentences of five days to two years;
(*b*) Adolescents who have had Borstal treatment and whose licences have subsequently been revoked.

These two classes are again kept quite separate.

The Adults correspond to our Casuals in India, and are treated somewhat more leniently than in ordinary prisons. There are four grades, of which the highest takes a minimum of six months to reach. Those in this top grade are allowed considerable liberty and trust, and this trust is rarely abused. In other respects the principles are much the same as at Wandsworth.

For those offenders to whom the Courts have awarded penal servitude, and who have never been in prison before, a special prison is allotted at *Maidstone*. These prisoners practically correspond to the 'Star Class' Casuals in India—a classification which has not yet extended to all provinces and which, in fact, can *never* be applied in some provinces until the over-crowding of their jails is removed.

At this prison, apart from the usual training in

drill and gymnastics, trades and so forth, special attention is paid to education, while the elevating influences of music and horticulture are fully recognized. Indian jails are for the most part gay with flowers, but in England this is the exception. A great advance in this respect, however, has been made in recent years and the effect on the prisoners cannot be other than beneficial.

Maidstone Prison is fortunate in having secured an enthusiastic body of voluntary workers, amongst whom are 35 visitors, 15 teachers and 2 Social workers. Classes are held at 6–30 p.m. and several of the visitors come in several miles after their own day's work is done, and entirely at their own expense.

Education is thus given in Agriculture; Book-keeping (of 47 candidates in 1926, 32 passed the examination of the Chamber of Commerce, 9 with distinction, and 2 secured the teacher's diploma); English and General Knowledge; First Aid (50 candidates, 47 passed); French and Spanish; Literature; Shorthand (97 candidates, 86 passed); and Sign-writing.

Another recent development at this prison is to send annually selected convicts for a three weeks' change of air and scene to the Preventive Detention Prison of Camp Hill in the Isle of Wight. The parties are conveyed thither by charabanc and boat, and lead an open-air life—by no means devoid of hard work—under a complete change of conditions. The physical and mental effects of this measure have been found so successful that it has become a permanent feature in the reclamation of these first offenders.

The *Wakefield Prison* is now being used as a

Training Centre for adult prisoners. Though not limited to Casuals, only those prisoners who are First Offenders, or Recidivists whose reformation is considered likely under such training, are sent to this prison. No prisoner is eligible for the Training Centre unless his sentence is six months or over, and in practice very few are sent with less than a year's sentence. This rule eliminates the short sentence men who could not themselves profit by the system and who would also be a great drawback to its proper administration.

Wakefield Prison is one of the largest in England, having cellular accommodation for over 1,000. It is also one of the most interesting historically. In the old days this prison was the first to give up the treadwheel and to specialise in industrial training. Now it has been selected as the place in which to try the experiment of training adults on the same principles as the Borstal Institutions train adolescents. And yet, at first sight no place could be more unsuitable. Situated in one of the dreariest quarters of a dreary city in the industrial part of Yorkshire, Wakefield Prison has been described[1] as 'about the most forbidding and repulsive structure that can be imagined. . . . The long spoke-like alleys, sunless, drab and depressing, seem to radiate to a hopeless horizon.' In the writer's memory it shares with the Pentonville and female prison at Glasgow the unenviable position of being the most depressing prison he has ever seen.

Nevertheless, at his last visit there was a definite change for the better in the atmosphere of the place.

[1] *The Wakefield Scheme*, by Fletcher Allen. Article in *The Humanist*. February, 1925.

As in the case of Portland—formerly a convict prison, now a Borstal—the mind of man has triumphed over the gloominess of the buildings, and the change is obvious as soon as you enter its portals.

The inmates (250 only, in order to render individual treatment possible) no longer wear convict clothing. Their hair is trimmed in the fashion of the outside world, and carefully brushed—even oiled! They look at you in a manly way and their faces are cheerful and interested. They look, in fact, like workmen, not prisoners. All are busy; the daily programme at Wakefield has no place for slackers and the authorities fully recognize the danger of idle half-hours. Evil is not so much *driven* out as crowded out by other occupations and interests.

As the Prisons Report of 1925–26 says: 'A vigorous scheme of training, physical, industrial mental and moral, is carried out. Every prisoner has an active day of about fifteen hours, of which eight are spent in the industrial shops and working parties. Measures of trust and encouragement of personal responsibility are developed. . . . and are changed from time to time as experience increases.'

In addition to industrial training, the prisoners have an hour's Physical training every week-day morning, and two hours' evening classes, either in the school-rooms or at their garden allotments. (For even here, in the sooty atmosphere of a manufacturing city, the prison now has its vegetable garden and attempts at flower beds.) Finally the highest grade men are allowed one hour's association for games, etc., before lock-up at 9–15 p.m.

Wakefield Prison, with its high-power weaving looms, its foundry, carpentry, tailoring and other industries, combined with a reformatory system of training, resembles the Coimbatore Central Jail and the Tanjore Borstal thrown into one.

This resemblance may be carried still further as regards the after-care of the inmates, for there is an efficient committee at Wakefield which—like the Tanjore Borstal Association—sees to the welfare of all who need help on release.

The Wakefield Scheme is the application of the Borstal system to *adult* offenders and, though adults are less promising material in that their habits are more established and less plastic, the results to date show that the treatment has succeeded in a most encouraging percentage of cases.

The specialization in treatment in English prisons is rendered possible by *(a)* the small number of prisoners compared with available accommodation; *(b)* the quality and quantity of the staff; and *(c)* the great help given by voluntary unpaid workers. The annual cost of each prisoner in England is about Rs 1,200, whereas in Burma it is only Rs 120, in Madras Rs 127, and in the United Provinces Rs 95.

Considering all things, the treatment of the Casual Offender in India is extraordinarily good value for the money. But we must admit that it is by no means ideal. Many Casuals are First Offenders, and of these many are Accidental Offenders. It is obvious that such men should not be allowed to come into contact with Deliberate or Habitual Offenders, if we are to prevent contamination. They must be taken in hand quickly and carefully and not be allowed to learn criminal methods from those who

have practised them for years and glory in the fact. In most provinces of India there are now separate jails for Casuals and Habituals; but sufficient attention has not so far been paid to the great desirability of separating these two classes of prisoners while under trial. The proceedings in the court may last for weeks or even months and during that time Casual Under-trial prisoners may be demoralised by the society of Habitual offenders who are also under trial. There are two directions in which action is desirable in order to mitigate this source of contamination. The Police should supply to the Jail authorities, purely for the purposes of initial classification, such information as they possess regarding the character and previous convictions of Under-trial prisoners; and, as provincial finances permit, the provision of separate barracks or wards for each class of Under-trial prisoners should be taken in hand.

The promotion of prisoners to the rank of convict officials is a principle which has been much debated. English authorities are generally against it, but there is little to choose between it and the system, so much applauded in England, of having monitors, 'blues', 'strokes' or 'coxes'. When visiting the Scottish prisons in 1927 I conversed with a Commissioner of about thirty years' standing and listened interestedly to all he had to say against the system. I then proceeded to visit the prisons, and on reaching their large convict prison at Peterhead I found the convict official system more fully in force than even in India, though under another name.

The fact remains that, in India, as long as the jails are built on the system of large barracks for

association at night, we shall *have* to have convict officials, and it is the considered opinion of most experts in India that the advantages of the system, when properly supervised, far out-weigh the disadvantages.

In this connection attention may be drawn to a defect in the Indian Jail system. The desirability for separation of Casuals from Habituals having been accepted in principle, it logically follows that convict officials drawn from the class of Casual offenders should not be employed in jails reserved for Habitual offenders. In Madras and in the Central Provinces effect has been given to this principle, and the tendency in other provinces is to move in the same direction.

It was somewhat surprising, however, to find that at the progressive Training Centre at Wakefield both Casuals and Habituals were admitted. The two classes, it is true, slept in different 'Houses', but the separation during the day was by no means complete.

Generally speaking, however, the more we can model our treatment of *adult* Casuals on Borstal principles the better results are we likely to get. This should be our aim for the future in Indian jails.

The English Prison Commissioners admit that it would be better to reserve Wakefield for 'Star' prisoners, but in practice it is considered impossible, as it would be too expensive to bring First Offenders to a prison at some considerable distance from their place of conviction. If they were to fill Wakefield with First Offenders, they would have to empty all the gaols of the Northern and Midland Counties of this class of prisoner in order to get a sufficient number for the purpose.

CHAPTER IX

THE RECIDIVIST OR HABITUAL CRIMINAL

'It seems almost a mockery to talk of social progress when, in the background is the silent ceaseless tramp of this multitude of men . . . finding no rest but behind prison walls, and only issuing thence to re-enter again.'—RUGGLES-BRISE.

So far we have been considering the problem of young offenders and Casuals; we now come to a much more difficult problem—that of the Habitual Criminal. And, just as in the case of the young, prevention is better than cure, so it is far more important to prevent individuals from taking to crime as a career than it is to endeavour to cure them of the criminal habit when once formed.

When a doctor is called to see a person who is ill, he does not (if he is a good doctor) merely prescribe medicine for his patient's symptoms; he first seeks for the immediate cause of those symptoms, and also the general conditions that enable those causes to exist and operate. For instance, if his patient has fever and a headache he does not remain satisfied with administering a febrifuge and aspirin; he makes further enquiries which reveal the fact that these symptoms are due to the Typhoid germ, introduced by milk from a dairy in the town. They also show that the dairy is fly-ridden, due to the general insanitation of the bazaar around it. This insanitation is further due

to the apathy of the inhabitants and the neglect of duty by the Municipality. May be the doctor will reproach the City Fathers for their neglect, and be informed that they have legally no powers to enforce the necessary measures to improve the sanitation. The subsequent death of the patient is thus indirectly due to lack of proper legislation, coupled with apathy or ignorance on the part of those who ought to be in the forefront of such social service.

It is the same with the criminal. As Ruggles-Brise says[1] :—'the future of crime is with the statesman and men of science. The prison administrator plays only a small and obscure executive part —but from his experience and observation of the causes that make for crime, he may be able to denote the direction in which its 'gradual solution may be found.'

All the causes that make for crime help to swell the number of Recidivists, but we can here only discuss those special causes which—apart from the original ones—tend to make a First Offender offend again.

Therefore, ignoring for the moment the causes which led to the original imprisonment and which may still influence the individual to commit further crime, let us consider the special conditions which may operate to cause or allow a First Offender to return to jail.

Such causes vary greatly in different countries. In England there is a body of Habitual Offenders which—though steadily becoming smaller—is still

[1] *The English Prison System.* Preface p. xx.

the main factor in keeping up the figures of prison population.

The average daily population of English prisons in 1927 was 11,179 (compared with 17,097 in Madras and 21,252 in the Punjab in 1928). The fact that there were 36,038 men and 7,636 women admitted during the same year shows that a very high percentage of the convictions were for short periods and minor offences.

66 per cent of the men and 86 per cent of the women received on conviction during 1926 had been previously convicted, and of these over 40 per cent men and 56 per cent women had been previously convicted *six or more times*! These figures show how, in England, the prison population consists largely of a sort of residuum which cannot be reformed, and which really should be kept indefinitely in prison or—preferably in many cases—in some form of asylum or colony.

What are the offences which bring them into prison? Statistics show that, of indictable offences, larceny easily heads the list, with burglary and house-breaking second; of non-indictable offences, drunkenness accounts for three times as many as the next largest heading—that of begging and vagrancy. And yet, compared with the year before the commencement of the Great War, convictions for drunkenness are now only one-fifth of what they were. It is the drunkards (both male and female) in England who not only swell the number of convictions but also provide by far the largest number of Recidivists.

Drunkenness in itself cannot be called a crime; it is much more a disability—whether of mind or

body—and should be treated on medical lines. The trouble is, however, that the state of drunkenness leads men and women to offend against the law and this leads to conviction.

In India, drunkenness plays a very small part in the production of Habitual Offenders. By far the commonest causes of Recidivism are theft, house-breaking and house-trespass.

But there is another important cause of Recidivism in India which has no parallel in England, and that is belonging to a Criminal Tribe or wandering gang of thieves. The existence of these tribes was just touched upon in Chapter V, and though the notorious Thugs have been wiped out there still remain many tribes who deliberately live by crime. These form one of the greatest problems of criminal administration in India. The children of such tribes are trained to crime from their earliest years and they live by crime throughout their lives. In the year 1926, 570 such persons were admitted to Madras jails for 'belonging to wandering gangs of thieves and failing to give security'.

That the problem of Recidivism in India is a great one may be seen from the following figures:.

In *Madras*, of the total number of convicts admitted, approximately 12·5 per cent have been previously convicted, and the number identified and classified as Habituals is about 20·5 per cent of the total admissions. There is a daily average of over 3,000 Habituals confined in the jails of this Presidency. Similarly in the *Punjab* the daily average of Habituals amounts to over 3,700, and four important jails have to be maintained entirely on their account; while, of the Habitual Criminal, the Inspector-General of

Prisons, *Central Provinces and Berar* says, 'This class contains nearly half of the regular convict population and is the most difficult to deal with.'

Powell[1] places Indian Habitual Criminals mainly in the following four classes:

(*a*) the professional criminals, who consider that crime pays, and take a pride in outwitting the Police. These are comparatively few in number.

(*b*) members of criminal tribes. As he points out, many of these have taken to crime because they have lost their occupation owing to the advance of civilisation, and he instances the *Banjaras* whose former occupation of carrying grain about the country has been replaced by the railway, and the *Chapparbunds*, who formerly followed the Moghul armies as shelter-builders. One could easily imagine how a criminal class might arise at the present day if the 5,000 rickshaw men on the heights of Simla were suddenly deprived of a living by the advent of an army of 'Baby Austins'—a contingency which, in these days of mechanization, is by no means an impossibility.

(*c*) the encouragement given to begging, and

(*d*) 'those young persons who from poverty, lack of education, a bad home, or from a roving spirit have trusted to their wits from an early age for a livelihood.'

[1] *Indian Prisons*, Chapter V.

The Treatment of Recidivism

This comes naturally under two heads, (*a*) out of jail, and (*b*) in jail.

(*a*) In order to reduce the army of Habitual Offenders who are a constant anxiety to the Police and the general public when free, and a source of great expense to Government and the tax-payer while in jail, it is most important to seek out and apply any methods which may help to make a released First Offender lead an honest life and not revert to crime. All methods are not equally hopeful in every case. Their efficacy depends on the character and original crime of the individual. For instance, one would not adopt the same procedure for what I might call an Accidental First Offender as one would for a member of a criminal tribe who has just ended his first term in a jail. For the former, all that is probably necessary is the help of a Prisoners' Aid Society and a Parole officer; for the latter, it is probably better to transfer him to a Criminal Tribes Settlement.[1]

[1] In the Punjab the administration of Criminal Tribes has for the past twelve years been in charge of a special Department, which now has nearly 16,000 persons registered on its rolls. Of these over 10,000 are detained in Criminal Tribes Settlements, of which there are 16 Agricultural, 8 Industrial and 3 Reformatory scattered throughout the Punjab. Others live in special villages, or are allowed a comparatively free life under parole exemption.

While in the Settlement, these persons are taught a means of livelihood, and the younger persons are given primary education and vocational training while the good effect on mind and body of games etc., is not neglected. After a period of five to ten years in the Settlement, the person may be released on two years' probation if he can find a paying occupation and a house to live in. Those who desire to stay on in the Settlement may be granted land if fit for agricultural work. For fuller details the reader may be referred to the Reports of the Administration of Criminal Tribes for 1926 and 1927 (Supt. Govt. Printing Press, Lahore. 8 annas), in his Memo on which the Governor in Council 'trusts that with the quickening of public life in economic and social questions, there may be an increased interest in the reclamation of these tribes, a reformation so desirable in itself and so advantageous in the diminution of crime.'

There is also the very useful method of 'Provisional Release'. Life in a jail cannot really train a man to fit himself for a free life. There must, or should, be a stage in between, when he is accustomed to a free life under supervision. The Criminal Tribes Settlements are one instance of this, and it has been in practice in several Provinces in connection with adolescents under the name of 'Release on License'. The same principle has now been adopted in the Punjab for adults, under the provisions of the Good Conduct Prisoners' Probational Release Act. Under this Act prisoners are released on license either to Government Departments such as Agriculture, to Railways, Contractors, or to private individuals. Or they may be sent to Government Farms. While on license they are comparatively free and are being fitted for an absolutely free life; but at the same time they are under supervision, and can be sent back to jail if they do not behave themselves. This system has already given good results, and is worthy of trial in other Provinces.

So far it has been tried only in the case of Casual Offenders in the hope that thereby they may be prevented from becoming Habituals. There appears to be no real reason, however, why it should not be extended to Habitual Offenders. In fact, the writer has for some time advocated the formation of Colonies for provisionally released Habituals. Such men could be put on reclamation work, with the promise that, if well-behaved, they will be given an allotment in the reclaimed area. Or the colony could be located as a village in an agricultural area, where the majority of its inhabitants could work on the farm, and others earn a livelihood at the trades

they learned in jail, such as blacksmithy, carpentry, weaving and tailoring and the like.

Such a colony would be almost self-supporting after the initial outlay, and it would also be a better training for free life than retention in even the most up-to-date jail.

(*b*) The sentence awarded to an Habitual Offender is usually longer than the Casual's, and therefore the opportunity of applying measures of reform *in jail* is greater. At the same time the character of the convict makes the application of reformatory measures more difficult, and the time required to obtain any good result is much longer.

The problem of reducing Recidivism must, however, be taken into account the moment an offender enters jail as an Under-trial. It must not be left until after conviction, or much time and labour will be wasted. It is essential that Casual Under-trials should be kept apart from Habitual Under-trials throughout the period of trial, if they are to be protected from the danger of being persuaded, by example and teaching, to take up a life of crime. In this respect our Indian Jails are greatly in need of reform, but—as I have already said—Jail authorities cannot carry it out (even if the requisite accommodation is provided) unless the Police and Magistrates give the necessary information as to the character of Under-trials.

In the case of both Casuals and Habituals it is advisable to make the first few months of a sentence definitely deterrent, and when the sentence is really short—say six months or less—the whole of the period should be deterrent. In a note on the prevention and reduction of crime the present Inspector-

General of Prisons, Madras, (Lt.-Col. J. P. Cameron) says, 'Convicts sentenced to short terms cannot be taught a trade or obtain much benefit from reformatory influences brought to bear on them; and, under present conditions, a short sentence is no real punishment and merely tends to familiarise a prisoner with jail life, and he goes away with the idea that prison after all is not such a bad place. Indeed, it is often the stepping-stone to a life of crime. If punishment by fine, conditional release, release on affording security for good behaviour, or whipping cannot be inflicted in certain cases, and the circumstances do not call for long sentence—then perhaps a short sentence is the only way out for the magistrate. We can, however, make this necessary evil a blessing in disguise by giving the prisoner so sharp a lesson as to cause him to realise that the way of the transgressor is really hard and that, after all, honesty is the best policy.'

The present system, in most Indian Jails, of putting short-term prisoners on to all the lighter tasks in the jail, and on extra-mural labour in the garden is wrong. It means that, instead of being a deterrent, jail life is in many cases an improvement on their life outside. They are well housed, clothed and fed, and do less work than they would do outside I am fully aware that there are practical difficulties in the way of the adoption of this principle, but they are not insuperable and it is to the ultimate benefit of the individual prisoner (and therefore to the community as a whole) that the principle should be adopted. . For Habituals also the initial part of the sentence should be deterrent, in order to teach them the necessity of discipline, strict obedience, and the

habit of hard work. After this initial state is over we can begin to give them training in the form of education, a trade, moral and religious teaching and so on.

In order to prevent the contamination referred to above between Casual and Habitual prisoners, there should be separate jails for each class of offender, and this principle is accepted throughout India, though the separation is not yet fully carried out in all provinces. Some provinces have their jails for Habituals, but staff them with Casual convict-officials. This is of course wrong, and is gradually being done away with. If convict-officials have to be used in Habitual jails—and this will have to continue as long as the inmates are confined in large barracks at night—they should also be of the Habitual class, but be selected for their good conduct and trustworthiness. For a Habitual jail there should be cellular confinement at night for all, as is the case at Salem in the Madras Presidency. Then convict-officials can be done away with altogether.

Opinions have been expressed in the past that the climate of some parts of India is unsuitable for cellular confinement, but facts do not bear this out. The health of the prisoners at Salem Jail is excellent, though all sleep in cells. The other two principal cellular jails under the Government of India are at Lahore and at Port Blair. The writer has been in charge of both these jails, and though the climate of the two places is so dissimilar, the health of the inmates has always been good.

In order to lessen Recidivism, there should be a further subdivision of Habituals into Ordinary and Incorrigible.

The former are usually quite well-conducted in jail, obey the rules, do their tasks and give very little trouble. With the Incorrigible it is a very different matter, and it is they who upset the discipline of any ordinary jail. They should be segregated from all others, and given special treatment. They are professional criminals, whose ideas are definitely anti-social and whose reform is either not possible or only possible after long years of endeavour.

England has attempted to tackle the problem of these criminals by means of *Preventing Detention*. The authority for this was given in 1908 by a special Act, and a prison was built at great expense at Camp Hill in the Isle of Wight for the accommodation of this professional criminal class. Their detention was originally intended to be indeterminate, up to Life, but Parliament insisted on a maximum of ten years, with a minimum of five. The result in practice has been that sentences of only five years have usually been awarded, and prisoners who conduct themselves well can sometimes secure release in three years. The average population of this prison is 150, and all have previously done time in one of the Convict prisons.

As inducements to reform, convicts can earn promotion to higher grades, and to extra luxuries or relaxations of discipline. After passing through the various stages they may be placed for their last six months before release in the 'Parole Lines'. Here they have their own room, and cook and work for themselves. Each man is placed on his honour not to escape, and their labour by day is not supervised.

One drawback to this Preventing Detention

system is that the convicts can, by good conduct, reach the highest grade in two years; thereafter there is no stimulus to further improvement. Also, in spite of the comparative freedom of the Parole Lines they are not popular; the reason being that there are usually not more than four or five in the Lines at a time, and they feel lonely and dull after the gregarious life of a prison proper.

As regards results, since 1912 (when the buildings were completed and occupied) 33 per cent of those released have not been reconvicted;[1] 66 per cent have been sent back.

The above figures may not appear good, but it must be remembered that the material is almost hopelessly bad. Many of those who were failures showed no signs of reformation in confinement, and were only released because of the limit imposed by law. The law, in fact, has vitiated the whole principle of the Preventive Detention sentence.

Nevertheless, the fact that 33 per cent have not been reconvicted justifies the experiment, which is on the right lines and is full of hope for the future in dealing with the most difficult of all classes of prisoners.

There is of course much room for improvement, and an effort should be made to reduce the cost. A net annual average cost of Rs 1,550 per head (it was £116-8-7 in 1927) for the 154 inmates, instead of the Rs 127 per head of Madras Jails would make any Local Government fight shy of the scheme, but there is no doubt that, in India, the principle could be carried out at a tenth of the cost in England.

The opinion on the system of some of the

[1] This includes all those who died or were killed in the War.

inmates at Camp Hill is illustrated by the remark of one whom I saw during my last visit there. When asked how he liked his new quarters after Dartmoor, he replied, 'Fine.' 'Food all right?' said his questioner. 'That's fine, too. Every time I sit down to a meal I say, "Thank God for the British taxpayer!"'

There is little doubt that, in India, there is a real need for some form of Preventive Detention with or without indeterminate sentences. It has been advocated from time to time for many years by expert Penologists. Every Province has a certain number of incorrigible convicts who are a menace to Society if let out, and a constant source of anxiety and trouble if in an ordinary jail. For these some form of Colony should be devised. The transfer of Madras incorrigibles to Port Blair was suggested some years ago. This is no longer possible, but possibly they might still be sent to one of the uninhabited islands of the Andaman chain. As far back as 1913 the writer discussed with Commissioner Booth-Tucker, of the Salvation Army, a plan to transfer to one of these islands a whole Criminal Tribe under the supervision of the Army's officers. This has at last been done, and the experiment is proving very satisfactory. The same policy might be applied to our incorrigibles. Other provinces have large tracts of land which require reclamation, and this might be done by the same class of prisoner, living in colonies under supervision. The main point is to segregate them from Society for a prolonged period, with themselves the only Society they can prey upon, and yet in more natural surroundings than can be given in an ordinary jail.

Good behaviour and work would be rewarded by the grant of land and by permission to have their own homes and families, while a return to Society once more would not be ruled out absolutely, if the individual showed clear signs of a reformed character.

In his report on the Prevention of Crime in Burma, Paterson recommends that no man shall stay more than two years in a walled jail: in order to effect this he recommends that:

(*a*) The Probation system should be introduced.

(*b*) First offenders, after two years in jail, should be sent out to construct roads, etc., and live in camps with their families (Murderers and Dacoits excepted).

(*c*) Murderers and Dacoits should be sent to the Andamans, if suitable arrangements could be made.

(*d*) Incorrigible habituals, after two years in jail, should be sent to island colonies.

The grounds on which he bases these recommendations should be read in his original report, which is well worth perusal by all who are interested in the treatment of prisoners and the reduction of crime in Eastern countries.

CHAPTER X

THE FEMALE CRIMINAL

'Woman is man's greatest blessing or his greatest curse.'
—ALCMAEON. (Tr. from Greek)

A chapter must be devoted to the problem of the female criminal, though this problem is of much less importance in India than in European countries. Now that the emancipation of India's women is going ahead with such rapidity, and that they are becoming day by day more eligible—by education, relaxation of caste and purdah restrictions, and by the adoption of western customs generally—to take part in the social, and even political, life of the country, their sins against law and the community will also tend to approach Western types and to become of more importance.

The history of the world contains records of many female criminals and their treatment from the days of Jezebel, wife of Ahab, King of Israel, who, after putting many innocent people to death, was herself thrown out of an upper storey window and her body left to the dogs to devour; through the middle ages, when wicked women such as Lucretia Borgia got rid of their enemies by poison and torture; to modern times with such women as Jules and all her criminal descendants; Jane Cakebread the Recidivist; Belle Gunness the murderer of many husbands; Madame Humbert who duped

people to the extent of £2,000,000 and caused three of her victims to commit suicide; the 'Hon'ble Eva Fox-Strangways,' Mrs. Chadwick and Madame Rachael, adventuresses; or Mary Bryers, the swindling matrimonial agent.

The stories of such women make interesting reading, and show how women may be as expert in crime as any of the other sex.

In early days the punishment of women was prompt and drastic. The laws of Hummurabi, King of Babylon, written over 4,000 years ago, condemned an adulteress to be drowned; the old Israelitish law condemned her to be stoned to death. It was not until Christ told the judges of such an one, 'He that is without sin among you, let him first cast a stone at her,' [1] and then bade her go away and sin no more that a more merciful treatment was thought of. Not that the example of Christ was followed until centuries later; in the reign of King Athelstan in Britain an adulteress had her nose and ears cut off (a punishment which has prevailed—unofficially at any rate—in Eastern countries until quite recent years).

For the murder of a husband a woman used to be burned at the stake, and I have already described how the same fate befell many thousands of women who were unfortunate enough to be accused of witchcraft.

For minor offences women were frequently flogged, not only in private but also publicly while being dragged through the streets at a cart's tail.

When the 'Bridewells' were started in England in the Sixteenth Century, prostitutes were confined

[1] See *St. John*, viii. 7.

therein as well as men. As often as not there was no separation of the sexes in these prisons, and consequently much immorality prevailed. There were also, in those days, no matrons or female warders to look after the female prisoners, though it is a curious fact that in Howard's day there were no less than eight prisons, mainly occupied by men, which were in charge of women gaolers.

Just as Howard was the pioneer of prison reform generally, so we must consider Elizabeth Fry (1780–1845) the first English reformer of the treatment of female prisoners.

Elizabeth Fry belonged to one of those wealthy and influential families of Quakers who, with the Gurneys, Barclays and others, did so much to improve social conditions. 'In the winter of 1812–13 she had visited Newgate, and had realized the debasing tragedy of prison life—the disorderly, dram-drinking, half-naked women, vagrants and felons, convicted and unconvicted alike, some with little children clinging to their skirts, penned up promiscuously in crowded wards and yards, reeking with filth and infested with vermin.'[1] In 1816–17 she took up in earnest the work of ameliorating the lot of these women and succeeded in introducing certain reforms.

Her work led to the formation of 'Ladies' Prison Committees' which dealt with the health, decency and also the future welfare of the women prisoners. One fact that shows how necessary such work was is that in fifty-nine out of the 518 prisons and lock-ups in England in 1818 there was no separation of classes whatever, even of men from

[1] Webb. *English Prisons*, p. 71.

women.[1] Another important reform effected by Mrs. Fry was the supervision of women prisoners by Officers of their own sex. This was secured by the Act of 1823. Another of her reforms was the provision of elementary education, literature and religious services. Female prisoners were also taught useful industries, such as laundry work, sewing and making stockings, which defrayed much of the cost of their maintenance.

Though their lot was thus temporarily improved, the reaction which set in against industries in jails generally had its effect on the treatment of women prisoners also and they were even forced—for a time—to work at the tread wheel. As regards the principles of treatment, very little distinction was made between men and women, and so women were incarcerated in the same kind of gloomy, cellular prisons as were the men.

'Prior to 1895' in fact, as the Webbs tell us, 'practically no attention was paid to the special and peculiar problem of the female prisoners who were being committed to prison to the number of nearly 1,000 every week of the year, two-thirds of them for drunkenness or prostitution, three-quarters of the whole having been previously convicted, most of them repeatedly.'[2]

The reduction in the numbers of female prisoners since that date has been most remarkable. Whereas, in 1872, there were more than 1,200 females undergoing penal servitude in convict prisons, in 1927 there were only fifty-three. Instead of the 1,000 committals a week referred to by Webb, there were

[1] *Fifth Report of the Prison Discipline Society.*
[2] *English Prisons*, p. 204.

in 1927, only 7,636 in the whole year. English prisons have accommodation for over 3,300 women, and at the beginning of this century all this was required. Now, the average population of female prisoners in Convict, Local, Borstal and Preventive Detention prisons is well under 900.

This reduction in female population has resulted in the closure of many female prisons altogether; instead of the 100 of former days there are now only sixteen in use. Of these sixteen, only five in the whole of England have an average of fifty or more inmates, and of these one is the Borstal institution for girls.

Even the greatly reduced number of committals to prison does not imply an equal number of offenders; for, in 1926, eighty-six per cent of those sent to prison had been there before, and were probably convicted several times in one year. Records show that, of the 7,923 women convicted in 1925–26, 2,757 had been previously convicted *over twenty times*. Holloway prison—the biggest for women in England—has an average population of 310, most of whom come under the category of 'in-and-outs'. Of these forty per cent are habitual pick-pockets or pretty thieves, and fifty per cent prostitutes and chronic inebriates. The former should undoubtedly be given long sentences—for the benefit both of themselves and the general public; the two latter classes should not be in prison at all.[1] As regards the prostitutes it is a

[1] The Recidivist women present a problem which deserves special attention. Of the 4,180 women who account for 7,636 receptions a large proportion belong to what the Governor of Birmingham Prison describes as 'a pathetic and hopeless collection of human wreckage.' Most of them are repeatedly convicted of drunkenness, the offence which accounts for

perfectly useless procedure to commit them to prison for a few weeks or months and there carry out an expensive cure of venereal disease, only to release them to the streets, with their 'market value' increased by treatment, to resume their old habit of life.[1] In the same way, prison is not the place for the women who cannot resist the lure of alcohol; instead of confining them in Holloway, surrounded by walls which must in places be nearly twenty feet high and in gloomy cells, they should be sent out to an institution in the open country, where hard work in the fresh, clean air would gradually rid them of the craving for drink. Alcoholism is a disease, and it should be treated scientifically; it is not a crime, to be dealt with by Police and Prison Commissioners. If the English legislature would realise this, and also that prostitution should be tackled by better legislation and better social conditions, it would hardly be necessary to have any special prisons for women at all.

Fortunately, in India these two problems are not of great importance from the point of view of crime and prisons, however important they may be socially.

nearly half the receptions of women. For these apparently irreclaimable women some system of continuous care and control is requisite. But the greatest need is to prevent recruitment to this class. There were in the year 1927, 147 receptions into prisons of girls under twenty-one and 497 receptions of women between twenty-one and twenty-five. For many offenders of this age some reformative treatment is clearly required. Short sentences of imprisonment can have no reformative effect; and for women whose offences—such as drunkenness, brawling and prostitution—indicate that they have little sense of self-respect, the deterrent effect of a sentence of imprisonment is small.

(Extract from *Report of the Commissioners of Prisons and the Directors of Convict Prisons for the year 1927.*)

[1] See Dr. Mary Gordon's *Penal Discipline*.

In spite of its handsome, castellated frontage, *Holloway* prison (built in 1853 by the City of London as a prison for both men and women) has all the gloomy characteristics of other prisons of that period. It is the only prison in England with a Medical Superintendent, but the result is so good that it is difficult to understand why the system is not extended. There are also two other full-time lady doctors, and a large staff consisting of 77 discipline officers (nearly all women), 31 trained nurses and a lady hospital-superintendent. Such a large staff for a total of 350 prisoners and Under-trials is due to the necessity for training and keeping a reserve for other prisons.

The separation of classes is carefully supervised, and is comparatively easy in a building capable of accommodating 975 in separate cells.

The following classifications are observed :—

1. Stars (First offenders and Second Division).
2. Young prisoners (16–21 years.)
3. Old offenders.
4. Prostitutes.
5. Old and decrepit.
6. Mental cases (not certifiable).
7. Verminous cases.
8. Pregnant cases.

Remands and Under-trials are similarly separated.

Industries are handicapped by the outside Trade Unions, but the women do all the house-work of the prison—cooking, laundry, etc.—sew, make stockings, stamp pads and mail bags for the Post Offices, and uniforms for women officers of the Police and

Prison services. There is also a garden file and a painting file. A new industry is the making of small liner bags for aeroplane messages.

Reformative work consists of school classes every evening, lectures once a week, music on Sundays, and education in a great variety of general and domestic subjects, embroidery and handicrafts.

There is a very keen body of Discharged Prisoner's Aid Society women workers connected with this prison, thirty-six of whom visit the women who are undergoing sentence. The Committee finds work for the latter if necessary, after release and also administers a pleasant Hostel, (under a paid Matron) in which the women may stay for a time till they find employment.

No account, however brief, of the treatment of female offenders in England would be complete without a reference to the Borstal Institution for girls at *Aylesbury*, of which a former Governor was Miss Arbuthnot who is now doing such excellent social work among women and children at Calcutta. My last visit to this Institution took place on a Saturday afternoon, and to my surprise I found the roadway leading to it blocked with many private cars of all makes and sizes. The gates were flung wide open, and there was a constant passing to and fro of well-dressed visitors. After introducing myself and my wife to the woman officer at the gate, we were asked to visit the annual sale of the girls' work, which was the explanation of the cars and visitors. The sale was arranged in the large lecture hall of the Institution, and the exhibits were so well and tastefully made that we eventually left with our hands full, even if our purses were empty! But

before doing so, we partook of and enjoyed the refreshments—all of which had been made by the girls of the cookery classes—and were quietly and efficiently waited on by other girls whom it was difficult to believe had not made domestic service a profession but had really been—before entering the Institution—the very worst types of young womanhood. The present Governor, Miss L. Barker, C.B.E., informed us that of the 65–70 girls then in the Institution, not more than four had been skilled domestic workers. It is this lack of skilled occupation which, in her opinion, is the chief thing that brings these girls to the Borstal Institution. Other important factors are bad homes—bad structurally and morally—and the lack of proper recreations.

All the girls pass through a regular course of instruction in domestic work, spending about three months in the laundry, sewing room, bed-rooms, and Officers' Mess, and six months in the kitchen. They also spend some time in the flower and vegetable gardens. All have to take up some form of handicraft, the results of which are sold. The profits of these do not go to Government, or to the individual girls, but to a general fund which is utilised for providing amusements for those who are well-behaved. Such amusements may take the form of a visit to the local cinema or a motor drive over the countryside. Their training is mainly for a domestic life outside, and for this there is always a demand. It is also the best possible training should they subsequently marry.

When a girl is ready for discharge, the Borstal Association steps in and arranges her future. No girl goes out unless there is a job for her. In spite

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of their bad early training and habits it is a satisfaction to know that 76 per cent may be classed as successful results, and for those who marry the prospect is still brighter. It is very rarely that a married girl comes back to the Institution.

The moral of it is that Magistrates should cease awarding short sentences of imprisonment, and if a warning under the Probation Act is not effectual, should send them at once to a Borstal. 'It is my strongest conviction' said the Governor to me, 'that no young person should be allowed inside prison gates until Borstal Detention has been tried.'

The treatment of female prisoners on the Continent of Europe has already been referred to.[1] We may therefore proceed to the consideration of their treatment in *India*.

Compared with male prisoners their number is extraordinarily small. Statistics for 1926 show that the daily average number of female prisoners of all classes in the prisons of India and Burma (excluding the Andamans) was only 2,139, while the total number of convicts in these jails at the end of that year was 1,803.

When this small number is considered in the light of the vast geographical area involved, it is obvious that any policy of concentrating women in special female jails is beset with difficulties. The expense of sending them long distances from their place of commitment to the special jail would be great. It would necessitate extra guards, and often involve journeying by night, so that female attendants would be required in addition to the usual Police.

Consequently, nearly all provinces of India have

[1] Chapter IV. para. 5.

had to content themselves with providing separate wards for women in their male Central and District Jails.

The Punjab has for many years had a special Female Jail at Lahore; Bombay has recently opened one for 100 women at Yeroda, and Madras has planned one at Vellore. Apart from these there are no special jails for women; nor can it be said that they are necessary.

Where such jails are built in the future I would advocate more space, and less walls. Women are not prone, as a rule, to attempt to escape, and usually settle down fairly contentedly to jail life. It is true that three women chose the dark night of Christmas Eve in 1925 to make a daring escape from Saugor Jail, in the Central Provinces. But they were lured away by the hope of handsome husbands! In the Female Jail at Port Blair (formerly the largest in the Indian Empire) attempts to escape were almost unknown, though the wall was only eight feet high and even that was non-existent on the sea-ward side. Really, the main reason for a wall is to prevent *ingress* of undesirables from outside! The double circle of high walls, enclosing an arid area of more walls and barracks, which constitutes the Female Jail at Lahore, is as much a relic of the past as are the cellular atrocities typified by Pentonville and Holloway in England.

The policy of concentrating female prisoners in a special jail has, of course, obvious advantages. A properly equipped hospital can then be provided, with a separate ward for maternity cases and a trained female nursing staff: more interesting industries can be carried on, and primary education

given. All these are valuable aids to their treatment. It is therefore the general opinion that *long-term* female prisoners should be collected in a special jail, but that short-termers (certainly those of three months' or less sentence) should remain in the jail of their district.

Where there is no special female jail in the province, they should be concentrated in the female blocks of one or more Central Jails. In the Central Provinces, for instance, long-termers are sent to Jubbulpore if Habituals and to Nagpur if Casuals.

This opens up the question of classification. It is just as important to separate Habituals from Casuals in the case of women as men, and this applies to both Under-trials and Convicted. With the men the great difficulty is overcrowding: with the women it is usually the paucity of numbers. Nevertheless, the principle should be carried out wherever possible.

Labour. In the District Jails there will usually be only a half dozen or so female prisoners, and it is impracticable to teach them a trade. One must be content with employing them on occupations which they are accustomed to do in their own homes. Agricultural work is usually impossible, but they can clean and grind grain, weave newar, or make baskets, brooms and so on.

In a special female jail, however, their labour should be more organized. That they are capable of quite skilled work was clearly shown in the Female Jail at Port Blair.

This was closed down as a result of the Jail Committee's report of 1919–20, but prior to that it was a hive of industry. Its Subordinate Staff then consisted of one whole-time Matron and a part-time

Jailor and S. A. S. Apart from these, the whole jail was administered by the prisoners themselves, and a population of 300–350 not only carried out all the maintenance work of the jail but made all the clothing—cotton and woollen—for approximately 10,000 convicts. The cotton cloth was woven on Hattersley's pedal looms, the mechanical repairs to which were also carried out by the women. In addition they made sheets, towels, dusters, bedspreads and the like, and also all the fishing nets for the Settlement. Others cleaned the wheat for the whole population. Nor was finer work forgotten, and their crochet work, doyleys, etc., found a ready sale. In the hospital, women were trained in nursing, dispensing, First Aid and Ayah's duties, and when trained were allowed to go out to other hospitals or private houses for those duties.

One life-convict, who had been so trained, was allowed to return to India, where for a whole year she worked at the Madras Maternity Hospital with the free nurses. After having passed her Midwifery and General Nursing examinations with credit, she returned to Port Blair and became the head nurse in charge of the hospital for Indian purdah ladies!

On one occasion a telephonic request was received at the jail for a convict ayah, to look after an officer's child in an emergency. A capable and well-behaved woman was at once despatched. The following day, the Superintendent went more carefully into the antecedents of this woman, and found to his dismay that her records showed her to be a 'Professional Child Poisoner'! She was hurriedly recalled.

Women were also allowed to marry and settle

down with their new husbands in one of the villages of the settlement. The weekly 'Marriage Parade' at this jail was a well-established custom, and had its own unwritten laws as well as its official regulations. For instance, a woman who accepted the *first* offer of marriage made to her, was considered, by the other inmates, to have demeaned herself and to have lowered the prestige of the jail as a whole!

Husband murder or child murder accounted for the presence here of a large percentage of the women. I once remarked on this fact to the wife of a certain well-known Judge of the Rangoon High Court, whom I happened to be conducting round the Jail. She replied, 'Well, with the former I have the greatest sympathy. Husbands can be most irritating at times'! Be this as it may, their lives—lived in the beautiful surroundings of a park-like promontory jutting out into the sea—were by no means unhappy, and many of the women wept bitterly when at last they were taken to the ship for repatriation to India.

Those days are past, but the industries which women did in Port Blair should be an incentive to women's jails in India to do better.

The prisoners at the Lahore Jail spend much unprofitable time in sorting out waste paper, and do not even do such typically feminine work as cooking their own food.

On the other hand, an extension has been made in recent years in weaving, and in embroidery and other finer work. Hosiery machines have also been supplied, and the women are being taught to use these.

It is often said that female prisoners, of the

class which we get in Indian prisons, lack sufficient intellect to learn an industry. My experience, at these and other female jails, has been the reverse, and I consider them quite as hopeful as the average male prisoner.

At Mandalay Jail I saw beautiful embroideries for saries being made by the women, who had been taught the work by the wife of the Superintendent. At others, crochet work, fancy netting, coloured silk embroideries, etc., had been taught by the same agency or by the Matron. The women showed great aptitude, and thoroughly enjoyed the work.

Education. This is another feature which has been sadly neglected in the past. Now-a-days, the education of women in India is much in the public eye, and it is time that the right of female prisoners to primary education should be recognized.

In the special female jails there should be a vernacular school, with a trained teacher, and this school should be examined by the Educational Department in the same way as those outside. Such a school now exists in the Lahore Female Jail, and the results to date have been excellent.

In the smaller female wards of other jails, much depends on the interest taken in the women by the lady non-official visitors. These may do a great deal to help the prisoners both in fancy work and in primary education. At Jubbulpore, for instance, the women are instructed in both by the lady visitors, and the same is true of other jails.

Moral Instruction is also another form of reformation which may well be given by educated ladies who are willing to devote time and trouble in helping their fallen sisters.

A hundred years ago, Elizabeth Fry's sympathetic heart, and her longing to help those in trouble, took her into prisons in comparison with which those of the present day are a paradise: is it too much to hope that the rapidly increasing body of emancipated and educated women of India will follow her high example, and offer to help those unfortunate women who, from one cause or another, have entered the portals of our Indian jails?

CHAPTER XI

MEDICAL

'The attitude of a medical officer must be one of absolute justice combined with kindliness. There is no place for sentimentality in his dealing with prisoners.'—DR. G. B. GRIFFITHS, *Medical Commissioner of Prisons.*

According to Dr. Johnson there used to be, in the first half of the 18th Century (i.e., before Howard made his reports), a yearly death roll in the English prisons of about 5,000! One out of every four prisoners died every year. Very different is it at the present day. In 1926 the death-rate of local prisons was only 2·7 per thousand, and the average number of sick in hospital only 42 per thousand. About twice the number were treated daily as out-patients.

As most of the serious surgical cases are removed to the Civil Hospital it must be confessed that the work of the medical officers—as regards the treatment of physical conditions—is now very light. Their work in this respect is mainly preventive. The sanitation of the prisons is very carefully watched and maintained. New admissions undergo a thorough disinfection and physical examination, and it is almost unknown now-a-days for any infectious condition to get past the quarantine stage.

This care, combined with good dietary and suitable work and exercise results in almost every prisoner going out of prison in better physical condition than he entered.

But attention to the physical health of prisoners is really only a small part of the prison doctor's work in England. The examination of their *mental* state takes up a much greater part of his time, and is undoubtedly the most interesting part of his duties.

In 1926 no fewer than 1,595 men and 690 women were remanded to prison for mental observation. All of these had to be carefully watched and tested, and their state of mind reported on to the Courts. 230 were diagnosed to be insane and 198 to be mentally deficient after such observation.

In India there is practically none of this. It is the rarest thing for any Magistrate to remand an Under-trial for report on his mental state, and no Act such as the English Mental Deficiency Act of 1913 exists in India.

Consequently it is only the grosser forms of mental disorder that are diagnosed. Those that are found insane are sent to Mental Hospitals, but the uncertifiable cases of mental deficiency have to be retained in the prisons and are often the cause of much trouble of a minor character.

The Madras Presidency alone possesses a special jail for the mentally defective. Such prisoners are collected at Cuddalore Jail, the average population of which is about 300. It is probable that, had medical officers more time at their disposal and better training in the diagnosis of mental defects, the number would be much greater.

The problem of mental deficiency amongst the people of India is however practically untouched at present. In America and England a great deal is being done in connection with the Courts, and the time seems to be approaching when the result of the trial and the punishment awarded will depend almost entirely on the evidence given by the doctors as to the delinquent's mentality.

Such accuracy is—and will be for a long time to come—an impossibility in India, for the numbers of prisoners are too great, and of trained psychologists too few.

There has, however, recently been formed an Association of Mental Hygiene for India (affiliated to similar Associations in other countries), to study the possibility of work amongst Indians.[1] One of the most promising fields for such an investigation of mental states would be the prisoners in Indian jails, and there is no doubt that Provincial Jail Departments would welcome such assistance, for 'uninvestigated offenders are the most expensive luxury that any community can indulge in.' [2]

It has been the policy of Government, in India, to place the Jails under the administration of Medical Officers, and this has resulted in a very high standard of health compared with the surrounding free population. Labour, clothing, diet and sanitation are all under the one head, who is also responsible for the prevention of disease and the treatment of such as occurs. This system differs from that in

[1] For further information, apply to the Hon. Secretary, Capt. H. Stedman, Assistant Judge-Advocate-General, Simla.

[2] Dr. Hamblin Smith, M. O. Birmingham Prison, in the *B. M. J.* of 17-12-21, p. 1036.

England, where (with one exception) the Governors of Prisons are non-medical men, and I do not propose to discuss the relative merits of the two systems. It must be confessed, however, that in large central jails the non-medical work of the Superintendent is so great that only the sanitation and preventive work, the physical health of the prisoners and the more obvious cases of mental derangement can be dealt with by him. The slighter mental cases must be left untouched until whole-time medical officers, trained in psychology and its methods of examination, are available.

The Medical Commissioner in England estimates that the intelligent application of the Mental Deficiency Act—rendered possible by such trained medical officers—has caused a permanent diminution of the prison population by about 200 daily. A similar reduction in India would empty a jail in each province, and relieve the Department of those who—through no fault of their own—are a constant source of trouble, teased by the fellow-prisoners and always being reported for breaches of prison rules, short and bad work and the like.

In the matter of physical conditions, the Indian prisoner is on the whole very well looked after, and due regard is paid to the segregation of different diseases. Lepers, for instance, have for many years been isolated in special sections of certain jails, and most provinces now have their special jails for the treatment of tuberculosis, such as Myingyan in Burma, Trichinopoly and Bellary in Madras, Shahpur in the Punjab and Chhindwara in the Central Provinces.

The fact that the health of jail prisoners is

almost invariably far better than that of the surrounding population and that 75 per cent of the prisoners gain in weight during their sentence shows that the medical administration of jails is satisfactory as a whole.

CHAPTER XII

SOME POINTS IN JAIL MANAGEMENT

1. The Importance of a Good Staff

At the Conference of Overseas Prison officers, held in London in July 1927, Lt.-Col. J. S. Knox—one of the English Prison Commissioners—defined a 'good staff' as a 'staff who are to be depended upon

(1) To carry out orders faithfully;
(2) To do their work as well when not supervised as when they are;
(3) To be tactful in their dealings with those under their charge as also to strangers, and
(4) In short, to help you in all ways to run the show as if it were their own.'

In India, we should certainly add two other conditions;

(5) A certain minimum standard of literacy, and —perhaps most important of all—
(6) Absolute honesty in purpose and dealing with prisoners, Superintendent and Government.

The staff of English prisons is the envy of all other countries: let us see how this enviable position is attained. In the first place, their conditions of service are good. They are well-paid and can look forward to a good pension; they have good quarters.

Their hours of work are not too long, and ample provision is made for their recreation. There are roughly 2,100 executive officers (corresponding to our Jailors and Warders) for a total of 43 prisons and 10,860 prisoners.

The annual wastage is from 80 to 100 and the Commissioners have about 5,000 applicants to choose from every year! Consequently they are able to select really good men.

All applicants have to fill in a form *personally*, giving details of their whole life-history and education. From these 5,000 forms, the Commissioners select about 500 candidates for interviews. To these interviews great importance is attached.

As a result of them, about one in four is approved and put on a list for training at one of the schools. This training lasts eight weeks and about 10 per cent are rejected.

The successful ones are sent to various establishments for two months' special training, and then, if reports are satisfactory, are 'posted for duty'. If reports are not quite satisfactory they are remanded for two or three months' extra training. If unsatisfactory they are rejected.

After being so posted they are 'on probation' for a year; at the end of which, if the report is good, they are confirmed. If not good, their services are dispensed with. Probation can also be extended for another year, but such men do not usually turn out well.

This is very different from the haphazard method in India. As regards *Jailors*, most provinces endeavour to maintain a certain standard of education, and none should be entertained unless they are at least

Matriculates and have a good knowledge of English. The Punjab is now trying Graduates, and the competition is keen. But if good graduates are to be obtained, the salary must be raised. A salary commencing at Rs 35 to 40 a month will not attract such men. The Punjab Government is offering Rs 80–7½–200 for graduate Assistant Superintendents (=Assistant Jailors), and Rs 200 to 500 for Deputy Superintendents (= Jailors). Assistant Jailors should be properly trained in their duties before being posted to any vacancy, and this training should be not less than three months. In Burma, a training school has been started, but most provinces have none. Candidates are sent to a jail to be trained, but in many cases it is not real training. The candidate merely picks up as much of the work as he can, or is allowed to do, and is liable to be made use of by the rest of the Jailor staff to do their routine work. This procedure, though reprehensible, is partly due to the fact that the Jailor staff in most Provinces is overburdened with varied duties and have no reserve for leave, sickness, etc. Such a reserve is essential if Jailors themselves, and their work, are not to suffer. In some provinces—such, for instance, as the Punjab—the Jailor cadre is responsible for all the clerical as well as the executive duties of the jail. In others—such as Madras and Bombay—there is a separate staff to carry out the clerical work. The clerks have no executive functions, save in measures of emergency, and the Jailors are relieved of much office work and are thereby set free for their executive duties. In both these Presidencies, however, the clerks are eligible for promotion to Deputy Jailor or Jailor, so the

separation is really not as complete as it might be. In the Central Jails of the Punjab the staff has been recently strengthened by the addition of accountants and accounts clerks, who are responsible for the clerical work of the factory side, but all other clerical work still devolves upon the Jailor staff.

In the opinion of the writer, there should be two distinct cadres—for clerical and for executive work—and these staffs should not be interchangeable. Such a proposal would involve an increase in establishment, but rightly so. In almost all the larger provinces the Jailors are overworked, and have to spend many hours over clerical work which should be devoted to supervision of warders, prisoners and the multifarious activities of a jail.

The *Warder* staff is even less satisfactory. The Indian Jails Committee of 1919–20 reported that the Warders were mainly 'the leavings of the labour market, the men who have been rejected by other departments, such as the Police and the Indian Army'. This still holds good, (though demobilized soldiers have come forward in fair numbers) and will always remain so until the pay and prospects of Jail Warders are somewhat *better* than those of the Police, whose duties are less rigorous and more attractive.

The 1919–20 Committee pressed very strongly for an improvement in the conditions of recruitment of Warders, but financial considerations have militated against most of their recommendations. Their pay still remains poor, and promotion very slow; their work is unpleasant and their hours of duty long. They are provided with free quarters, but in several provinces these leave much to be desired. The

Punjab Jails Enquiry Committee of 1925, after quoting a statement that 'the Warders' pay suffices for twenty days in the month and that for the balance dependence is placed on contributions from the prisoners', goes on to recommend that the rates of pay of Warders should be better than that of Police constables and that their increments should be more rapid.

The Committee also urged the provision of a proper reserve. This is even more essential than it is for Jailors: it is needed for training, sickness, leave, and for such extra duties as guarding condemned prisoners and the camp jails into which excess population is often put. As an instance of this necessity: in the Punjab Jails, extra guards have to be entertained to guard condemned prisoners, but only permanent Warders are given this duty. The average number of Warders required for such work is 141, which means that this number of permanent Warders has to be removed from their normal duties and their places taken by temporary men, enlisted locally and often without any training whatever.

In order to obtain a class of Warder whom the prisoners will respect and who will be free from bribery and corruption we must improve their conditions of service and increase their pay so that it will be a living wage for a family man. If jails are to secure Warders even as good as the Police, we must, as I have already said, make their conditions rather *more favourable* than those of the Police; for—other things being equal—a man would always try for a Police appointment with its movement and open-air life and its dealing with free people.

It is almost essential that Warders should be

literate—at any rate in the vernacular of the province, but this is far from being the case at present. For the higher grades in most provinces only literates are eligible.

In those provinces where illiterates are accepted, there should be night schools for Warders (such as exists at the Headquarters Jail, Lahore) where Warders may learn to read and write, and so qualify for Head-Warderships. But it would be better to make literacy in a vernacular an essential condition of recruitment.

Whatever the standard adopted, all Warders, as well as Jailors, should go through a course of training before being posted to a jail for duty. This course, in addition to instruction in the provisions of the Jail Manual, the guarding of prisoners and buildings, drill, physical training, musketry, etc., should also include training in the higher qualities such as honesty, loyalty to their superiors and Department, and refusal ever to accept or extort bribes.

Before leaving the subject of a Good Staff, I would again stress the qualities referred to in Chapter VI with reference to Borstal training. Both Jailors and Warders should realise that they are appointed, not merely to secure the safe confinement of so many prisoners and to make them do their full tasks, but as trustees of erring individuals, each of whom has a life to save and a character to build up. We should ask ourselves in every case, 'Is this prisoner the better or the worse, physically, mentally and morally, for his stay in jail?', and we should not rest satisfied until prisoners are the better under all three heads.

2. Occupation

Nowhere is the old proverb, 'the Devil finds work for idle hands to do', truer than in a jail. Even during working hours, a visitor will often see a prisoner idling. This may be due to lack of proper organization or supervision, but it may also be due to the fact that he has completed his allotted task for the day. Jail tasks are calculated for men of average physique and average skill. The stronger or more skilled can complete their day's task much more quickly, and then sit idle for the rest of the time. Many prisoners finish their task (even in the harder forms, such as oil-pressing and wheat grinding) by one or two o'clock in the day.

Provision of some form of occupation should be made for these times of idleness. The prisoner may either be provided with educational work or some form of vocational industry; or he may be encouraged (by the offer of some form of reward) to do more than the maximum of his tasked labour.

For instance, in the cotton mill at Coimbatore Jail, the authorised task may be thirty yards of cloth a day. But if the prisoner exceeds this, the excess is credited to him, and at the end of the week he is rewarded either by money gratuity or extra remission.

Similarly, the hours between the completion of work and sleep must be filled in with some useful occupation. These are the most dangerous hours of the twenty-four, for the prisoners usually have nothing to do but sit and talk to their neighbours. This is the time when plots are hatched, grievances magnified, further crimes planned and recruits obtained.

'Idleness', as Paterson[1] reminds us, 'is not neutral; it is a definitely adverse influence in the life of a man'.

Consequently, these evening hours should be filled with classes of various kinds, reading, physical exercises or games.

But these cannot be carried on after dusk without efficient lighting, and in the winter of northern India the dusk comes on early. Wherever electric light is available it should be provided. Large jails, and especially those with high-power machinery, should be able to make their own.

As long as it is light, let the prisoners who have done their full task enjoy controlled recreation in the open air, whether in drill and gymnastics, or in organised games. If a province has a national game of its own, such as the basket ball game of Burma, by all means make use of it. Or let them play at football, rounders, 'twos-and-threes' or the many games utilised in Physical Training.

In the Habitual Jail at Jubbulpore, for instance, a football ground has been laid out within the walls and the prisoners play there daily after work is ended.

While some are playing in the open, others may be undergoing instruction indoors. Those who are literate should be allowed books, and others may learn manual trades.

Evening classes of various kinds should be encouraged, and the help of outsiders welcomed. In some Provinces, pupil teachers already come voluntarily to give primary instruction in the vernaculars, and this is a promising extension of such evening classes.

[1] *Prevention of Crime in Burma.*

Other volunteers may also give lectures on subjects of general interest (politics excluded), such as hygiene, improvement of crops, etc., and these lectures can be illustrated with lantern slides. There are also now many cinema films which have a definitely educative character, and these may be exhibited and explained.

Reliance need not be placed entirely on the jail staff or outside volunteers to give educational instruction. Use may often be made of literate prisoners, either to read to, or instruct, their fellows. The Lahore Central Jail has recently organized classes in elementary education under a prisoner of twenty years' experience as a trained school-teacher. Others, not so expert perhaps, can at least read suitable books to their fellow prisoners; or pass on to them the news of the outside world as supplied (in some provinces) by the special Jail newspaper. Such a paper is usually edited by officials of the Jail department, and printed in a jail press. It contains news which cannot have a deleterious effect on the prisoners but which will stimulate their interest in outside matters and improve their intelligence and character.

There is room, too, for improvement in the industries carried on in jails. A great deal of labour is wasted owing to the continued use of out-of-date methods.

While certain hard and deterrent forms of labour must be kept available for the recalcitrant and for the initial stages of imprisonment, the main industries should be educative and interesting. Machinery should be as up-to-date and labour-saving as is consistent with the market. Much more could be

done in jails, and much better industrial education given, if there were the certainty of a market for the produce.

In some provinces the number of prisoners is so great that unless a large amount of simple hand-labour be given it would be impossible to find work for all to do.

The question of competing with the outside market is hardly worth consideration, for no outside firm should fear the competition of untrained prisoners who do not average more than six hours' actual work a day.

Note. In this connection, see paragraph 210 of *The Indian Jails Committee* 1919-20, page 125.

3. Rewards and Inducements to Good Work and Conduct

The *Remission System* is the great official incentive, and it has proved itself to be most efficient and satisfactory. But there are others, which are not so well known. I have (paragraph 2) referred to the Madras system of granting gratuities or extra remission for work done *above* the authorised task. This is quite a right principle, but it has practical difficulties. It is easy enough to assess the reward in cases where definite tasks are laid down, but the difficulty arises in such tasks as cooking, sanitation, care of dairy animals, hospital orderlies, and the like-tasks which cannot be calculated with mathematical accuracy.

The Punjab has recently started a system called *Pécule* (after the French system), the principle of which is that every prisoner will be rewarded who

completes a full and approved daily task. It does not cater in any way for work done *over and above* the allotted task. As this is a somewhat novel experiment in India, a few details about its working may be given.

All prisoners sentenced to labour are eligible to earn a wage at the rate of Rs 1-4-0 per mensem from the day they enter a jail.

The wage is reckoned on a daily basis and is confined to the working days of a week. No wage, for instance, can be earned on Sundays or holidays; nor by those sick in hospital, attending court or in transit from one jail to another. The amount earned by each prisoner in any week, (i.e., about 5 annas) may be expended by him, to the extent of one-half, in purchasing small luxuries. The other half is retained and accumulated for presentation to the prisoner on his release. The usual luxuries purchased are cigarettes and gur, but prisoners may, if they prefer, accumulate the expendable part of their *Pécule* in order to buy shoes, books, etc. therewith.

The expense to the State of paying Rs 1-4-0 a month to close upon 16,000 prisoners is great, and it is too early yet to say if the effect is worth the expenditure.

There is no doubt that the prisoners themselves greatly appreciate getting their little luxuries, and that the withdrawal of *Pécule* now would raise universal protest. It has not yet, however, caused the reduction in offences due to non-performance of tasks which the system was designed to effect, and the further results of the experiment will be watched with interest.

4. Non-Official Visitors and Religious Preachers

'Come, ye blessed, . . . for I was in prison, and ye came unto me. . . . Depart from me, ye cursed, . . . for I was in prison, and ye visited me not.' Matt. xxv. 34.

As Powell has pointed out,[1] 'Very few countries have adopted the system of appointing Non-Official Visitors to jails, as it is held on the continent of Europe and elsewhere that prisons are official, and criticism and advice from the public are not welcomed. In England each Non-Official Visitor is given a certain number of prisoners to visit. He comes to see them every week, talks to them about their own troubles and generally acts as an adviser. He may supervise the study and general reading they do out of work hours. He cannot criticize jail management except in so far as it affects adversely his own immediate protéges.'

'In India,' he continues, 'we have gone much further than this in admitting the public to a large share in jail management. Non-Official Visitors hold a trusted and important position. With the Official Visitors they constitute a quarterly Board, and take turns in visiting the jail. They are encouraged to take an interest not only in the individual prisoner but also in the general administration. Their advice on matters of detail is often taken. They occupy a useful position between the official organisation and the public, and can do much to correct the popular ideas on harsh jail management. They can also by advice and sympathy help on penal reform.'

The above is an excellent résumé of the duties of Non-Official Visitors, and although sometimes

[1] *Indian Prisons*, page 32.

constructive criticism is lacking, the Non-Official Visitors as a body carry out their duties conscientiously and are often responsible for helpful suggestions. They have a definite and valued place in Jail Administration.

The term 'Non-Official' refers merely to their status apart from jails. As regards their jail duties, they are appointed by the Local Government under the orders of the Government of India, and as such have an official position in regard to the jail to which they are appointed.

Their duties are laid down in the various Jail Manuals, and need not be further commented upon.

Religious Preachers, though also Non-Official Visitors, come under a rather different category. They are selected—and appointed—by the Deputy Commissioner and are posted by him to the jail of their District. Their duty is to lecture on purely religious subjects to those prisoners who hold the same beliefs as themselves. The procedure varies somewhat in the different provinces, but, generally speaking, they lecture on Sundays only and for one or two hours.

As, for disciplinary reasons, a large number of prisoners may not be gathered together in one place, it follows that in jails with a big population any one prisoner cannot attend more than one lecture a month.

If there is any value in religion (and undoubtedly there is), it is obvious that one hour's tuition a month is most inadequate. We should therefore endeavour to extend religious teaching, both by increasing the number of preachers and by allowing such teaching on week days also.

In the Tuberculosis Jail at Shahpur (Punjab) and in certain Borstal Institutions there are whole-time Religious Preachers, paid by Government. Normally, however, such gentlemen do the work voluntarily, and are merely given an honorarium to cover their travelling expenses. There is no need for such religious teaching to go deeply into the various tenets and dogmas of each religion. In fact, this is inadvisable. All that is necessary is to try to inculcate in the minds of the prisoners the elementary principles of truth, honesty, love of fellows, obedience, purity of thought, word and deed, and the like. Such moral and religious instruction cannot fail to have a good effect, and should be encouraged.

CHAPTER XIII

THE AFTER-CARE OF PRISONERS

'’Tis not enough to help the feeble up, but to support him after.' (*Timon of Athens*, I. i).

'If these men and women are to live honestly outside prison, work must be found for them somewhere.'

(Rev. W. CARLILE.)

'I can conceive of no work which renders a more humane or unselfish service than that which is done by the Discharged Prisoners' Aid Society, which has for its object the restoration of the fallen to self-respect and his employment in useful work.' (Lord GOSCHEN, sometime Governor of Madras.)

It is now just over 200 years since the great prison reformer, John Howard, was born, and for several generations his successors worked hard to ameliorate the lot of the prisoners. Foremost among these later reformers were the Quakers, who—in 1808—started a society for the relief of prisoners, which may be considered the germ from which all other such societies in our Empire have sprung.

For many years after the formation of this Society, philanthropic persons for the most part confined their attention to the conditions *within* the prison walls and the lot of those confined therein.

During the last fifty years or so, however, many thoughtful people became convinced that it was not enough to improve the conditions of prisons or actual prisoners. Although it is necessary, for the

preservation of law and order and for the protection of Society, to confine evil-doers in jail, it should really be our highest aim to prevent men from committing crime, and to reform such as do commit crime so that subsequently they may become law-abiding and respectable members of Society.

Two principles evolved from this line of thought. One was that, however well we may reform our prisoners while in jail, much of our labour will be thrown away if we do not lend them a helping hand after release. The other was that we should endeavour to find out and to apply other methods—apart from imprisonment—which would be equally efficacious in preventing crime and protecting Society, without the evil effects on the offender which imprisonment so often has.

It was gradually realised that, in order to give effect to these principles, it was necessary to form a Society, with branches and helpers throughout the country, which would give assistance to all discharged prisoners who needed help; and that public opinion should be aroused to improve the existing law or to promote further legislation.

From this sprang the Discharged Prisoners' Aid Society, which has since spread through the civilised world, and has been of value to many thousands.

As far as India is concerned, very little was attempted until this century. In 1907, Calcutta started a Prisoners' Aid Society, and seven years later Bombay followed it. The outbreak of the Great War then put a stop to further expansion, but after its conclusion the work went ahead again, and Madras formed a similar Society in 1921. Prior to

that, however, a small local Society had been formed at Bellary.

1926 saw the inauguration of a central Society for the Central Provinces and Berar, which included in its scope several struggling local bodies such as those at Raipur, Saugor and elsewhere. Other Provinces also had small local Societies—kept alive mainly by the keenness of individuals but handicapped by the local nature of their work.

In the Punjab, however, great difficulty was experienced for some years in enlisting the sympathy and support of the public.

Now at last the conscience of the people of the Punjab has begun to stir. Questions have been asked; the Press has opened its columns to the subject, and meetings have been held in aid of the ex-prisoner. During 1928 several Districts made a definite move forward by starting local Prisoners' Aid Societies, and early in 1929 all these were merged in one large Prisoners' Aid Society for the whole of the Punjab, with its Headquarters at Lahore and Branches in touch with most of the important jails in the Province.

Of the various Societies, that of Madras is by far the most efficient and successful. In that Presidency the interest of non-officials has been aroused, and leaders of public opinion have given, and are giving, zealous assistance, both financial and personal. Successive Governors have taken a warm interest in the movement which has also received much inspiration from the influence and advocacy of Lt.-Col. J. P. Cameron, I.M.S., the Inspector-General of Prisons.

Experience in Madras shows that much can be

done by co-operation between officials and non-officials when once educated public opinion has appreciated the importance in the field of social reform of the care of discharged prisoners.

Sometime ago, while glancing through the columns of *The Statesman*, my eye caught the following paragraph:

POLICE COURTS

STORY OF STARVATION

(Before Mr. J. P. Das, Second Police Magistrate, Sealdah.)

'Satish Chandra Roy, who had been released from jail but two days previously, was sentenced to six months' rigorous imprisonment for trespassing into a house at Belliaghata and removing a shawl. He was caught while attempting to escape with the shawl. The accused stated that he had been starving since coming out of jail, and was therefore obliged to steal.'

Such is the possible fate of a man who leaves a jail with no helping hand, insufficient money, little clothing and perhaps no lodging. What is the result of such a case? He becomes a Recidivist, a Habitual, a constant source of anxiety to the Police and general Public, and a constant expense to Government. Should he marry, or be already married, his offspring are likely to become criminals also, from heredity or environment.

A case such as the above may occur, not only in Bengal, but anywhere where there is no D.P.A.S. or similar organization.

The members of the Indian Jails' Committee were insistent, in their report, on the need of assisting

prisoners on release. They state (Ch. XIV. para. 352.) 'The necessity of providing an efficient organisation for the guidance and aid of released prisoners is now recognised in all civilised countries. "Our reforms," says a French writer, "will be in vain if, at the moment of his liberation, the prisoner is cast forth abruptly and without support to face all the difficulties of life and all the seductions of liberty." "The most terrible moment in a convict's life," said Mr. Wines in his book, "is not that in which the prison door closes on him, shutting him out from the world, but that in which it opens to admit of his return to the world, having lost his character and standing among men, having suffered for months or years from the deprivation of pleasures to which he was accustomed, and having little if any money in his pocket to meet necessary expenses." These things are true in India as in other countries. . . . Very real difficulty is now often experienced by released prisoners in finding work, while the developing conscience of the country makes it no longer true that nothing is to be expected from private effort. We have no doubt that there is at the present day a wide field for properly organised Societies for the assistance of released prisoners, and we think that steps should everywhere be taken to bring them into existence.'

There are, however, people all over India—who doubt the value of these Societies, and it might be useful to expose the fallacies of some of the arguments brought forward by these—mainly 'arm-chair'—critics. The following have all been made to me by gentlemen whom, otherwise, one would consider quite sensible fellows:

(a) There is no need, and no scope.

Such an argument hardly needs refutation. Over 30,000 prisoners are released from the United Provinces jails every year. The jails of the Madras Presidency released 23,127 prisoners during the year 1926, and of these 2,745 had been previously convicted. The figures for the Punjab are much the same. The *need* is to prevent 2,745 out of 23,127 prisoners relapsing into crime every year, and this surely is sufficient *scope* for any Society's activities.

But statistics are dull things: let me mention a few instances that came under my personal notice in the course of a few months.

A Sikh had learnt carpentry in a certain Central Jail. On release he desired work locally instead of returning to the Punjab. There was in that city a colony of Sikh carpenters, but they would not accept him because he had no tools. There was no Discharged Prisoners' Aid Society to whom he could apply, and he had no money. Luckily for him, he had the sense to appeal to his late Superintendent, who—with the aid of a few friends—supplied him with an outfit. He was then welcomed by his fellow-countrymen and has earned an honest livelihood ever since.

Another worked for three years in the Printing Press of a jail, and was released with a skilled trade at his command. But there were no printing presses in that city, so he could not get work. The local branch of the Society, however, took up his case and communicated with the Managers of several newspapers in other cities of the Province, and so succeeded in getting him a job.

A goldsmith once tried to sell to jail officials certain gilt ornaments as gold. For this effort he was awarded six months' rigorous imprisonment. While in jail he showed such aptitude for designing ornamantal gardens that, on release, his Superintendent tested him for some months in his own garden, and he then became gardener to the Sessions Judge!

Fifteen years ago, a young man, living in a small village in the Central Provinces, returned from his day's work to find his wife in the arms of another man. A moment's struggle and the woman's lover was dead. The husband was transported to the Andamans where in due course he became one of my trusted servants. Some years after my transfer, I once more met him—now in an Indian Jail and due for total release. No sooner was he free than he spent his small savings on travelling to my Headquarters, where he presented himself with the simple words, 'I have come. Give me work.' Through the kindness of an European Manager of a large motor works in the city, he was put through all the branches of a Motor-Mechanic's trade, and is now the trusted driver of a Government Mail van.

My final instance is to exemplify the fact that the D.P.A.S. is not a purely local affair, nor is it only Provincial. It is practically world-wide. A British soldier was sentenced to a year's imprisonment and found himself inside the Jubbulpore Jail. As his release drew near, the local branch of the Society ascertained that his family—overcome with the disgrace—desired to have no more to do with him. The Secretary therefore notified his case to the D.P.A.S. at the port of embarkation, and also to

England. On arrival there he made his way to the head office of the Society and asked for help. His military service had not fitted him for any skilled trade in civil life, but within ten days the Society's agents had secured for him a suitable and well-paid job. When I last heard from him, he was doing well, and very grateful for the Society's assistance.

Such are just a few instances out of many which exemplify both the need and scope for this Society's work.

(*b*) **'There is too much sentimental consideration already for prisoners; what with all this remission and revising Boards, they get out all too early to prey upon the Public.'**

This sort of objection shows a complete misconception of the object of the D.P.A.S., which has nothing to do with the treatment of a prisoner *within* a jail, or his period of detention therein. Its duties before release consist merely in ascertaining from a prisoner if the Society can be of use to him on release. It is as a released prisoner, in other words as a free man, that the Society tries to help him.

(*c*) **'It has been tried and has failed.'**

This is partly true, but the causes are remediable. One reason for failure is that, in the past, the position was taken up that aid to discharged prisoners must be entirely non-official. But, it has been shown all over India that any such work as this must have Government support and approval at the commencement, if it is to be a success. Even in England this is fully recognised, and Government

gives 70 per cent of the total funds expended by the Central D.P.A.S.

Some local Governments have appreciated this fact and have given moral support and financial assistance. Others have still to recognize that grants-in-aid to Societies which are doing social work of value is a beneficent and economical form of public expenditure.

Another reason for past failure was the general apathy, lack of vision and of a 'public conscience' amongst the general public. There are clear signs, however, that the public is now rousing itself to a sense of its responsibilities towards released prisoners. Lastly, early failures were due to lack of co-ordination and organization. Small branches were formed here and there, but they had no support from headquarters, and were left to struggle as best they might, without proper guidance. Also, if a prisoner from their local jail were to be sent elsewhere on release, there would very likely be no branch to which they could be recommended.

What is necessary for the efficient after-care of prisoners is

(1) a network of Probation (Parole) officers all over the Province to look after individual cases and report to the local branches;

(2) a Central Society at the headquarters of the Province to co-ordinate the work of the Society, guide the Branches and Probation officers, raise funds by general propaganda and individual influence, and provide the necessary cohesion and 'driving power' without which work suffers and interest flags;

(3) a branch in connection with each jail.

(*d*) **'Prisoners are mainly agriculturalists and go back to work in their villages after release.'**

This is a commonly quoted objection, but is it really the case? Statistics do not support the contention in most Provinces, though 74 per cent of prisoners in the Punjab and U.P. Jails are reported as engaged in agriculture and with animals. Of the prisoners admitted to Madras Jails, 37 per cent are agriculturalists; in the C.P. 34 per cent.

If such prisoners desire to return to work on the land, by all means let them do so. All that is necessary is for the Probation officer of that district to keep a kindly eye on them and be responsible for their welfare and good conduct.

But there is plenty of scope for the Society's activities amongst the other classes of ex-prisoners.

The after-care of prisoners is one of the greatest factors in the prevention and reduction of crime. Habitual prisoners form 22–30 per cent of the total population of our Indian Jails, but this percentage could, and would, be considerably reduced if the D.P.A.S. were really efficient throughout India. And, to take a purely selfish point of view, we should all benefit by such reduction. To take the Punjab as an instance there are at present four large jails maintained entirely for the confinement of over 3,700 Habituals. A reduction in the number of these would mean a reduction of Staff, less cost in maintenance and a saving thereby to the State. More, the 3,700 convicts, instead of being supported by funds obtained from the pockets of the law-abiding tax-payers, would themselves be earning their own livelihood and even paying their quota of taxes. With the disappearance of these Habituals there

would be also less need of Police and so a further saving would be effected. Lastly, the general public would sleep sounder in their beds, relieved of the fear of house-breaking and theft.

But, apart from the selfish point of view, we should consider the philanthropic and moral value, to ourselves as well as the released prisoner, of helping in the reform of a fellow-being. To whatever religion or faith we belong, we have the assurance of the approval of the Divine Power in helping one who has sinned to leave the path of evil and cleave to the good; and we have equally the assurance that both we and they will reap the reward.

CHAPTER XIV

CONCLUSION

'Good administration aims at the highest conceivable, but accepts the highest obtainable.'

In the preceding chapters an endeavour has been made to trace the evolution of imprisonment in England and India and to compare and contrast this evolution with that in certain European countries. The existing condition of prisons at the present day has also been described, together with the principles on which the present treatment of prisoners are based.

It has been shown that imprisonment is in itself only one small part of the general scheme for the prevention of crime and the protection of Society, and that these latter aims cannot be attained by imprisonment alone.

However keenly prison administrators may try to reform criminals while in jail their efforts will be largely negatived unless efficient measures are at the same time taken to deal with offenders both before admission to jail and after release from it.

At the same time an attempt has been made to show that all offenders are not alike and that the actual treatment to be meted out should vary with the offender even more than the offence.

We may therefore appropriately conclude with a brief—and admittedly incomplete—summary of those reforms and improvements which might have a beneficial effect on imprisonment in India.

A. Period before imprisonment

Social. Ante-natal welfare clinics.
Maternity and Child welfare.
Primary education for all.
Clubs and Boy Scout organisations.
Medical inspections of all school-children.
Housing, lighting and sanitary improvements especially in towns.
Marriage reform.

Legislative. Children Acts.
Probation Acts.
Mental Deficiency Acts.
Borstal Acts.

B. Period of confinement in jail

Better Staffs, both of Jailors and Warders, and the provision of an adequate reserve for leave, sickness, training and so on.

Separation of executive and clerical staffs, so that the former may spend more time in supervising the prisoners and the clerical work be more efficiently done by trained clerks.

More cellular accommodation in jails for Habituals, so as to avoid contamination.

Better lighting in jails so that the evening hours may be usefully occupied.

The gradual extension of Borstal principles to all prisoners, i.e., physical development, teaching of useful trades, primary education and religious instruction.

The encouragement of outside voluntary assistance in such things as evening classes, vocational occupations, games, First Aid, Scout craft and religious instruction.

More complete classification, especially in regard to

(*a*) Under-trials.
(*b*) Mental defectives.
(*c*) Incorrigible offenders.

Release, under the advice of Advisory Boards, as soon as prisoners are considered unlikely to offend again against the laws.

C. Period after release

Provisional release on licence, both for well-educated adults (as under the Punjab G. C. P. P. R. Act) and for adolescents. Such release on licence requires as a corollary, that work be found for them; and this may be done either by Government or by contractors, large firms, philanthropic societies or private individuals.

An efficient system of after-care in all Provinces; such after-care to be non-official in character but to have the strong support of the Local Government and its servants. The after-care societies already in India are the Discharged Prisoners' Aid Societies and the Borstal Associations. They should be efficiently organized in all Provinces, with a Central Committee at Headquarters, Branches connected with all jails, and Parole Officers spread like a network over the whole countryside.

If the foregoing pages have enabled readers to

gain a clearer insight into the principles of prison management, and have kindled in their minds a more earnest desire to assist in the reduction of crime, the labour of compiling them will have been well-spent.

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